



**SELF-EVALUATION
FOR
AMERICANS WITH DISABILITIES
(ADA)/504 TITLE II
IMPLEMENTATION PLAN**

OCTOBER 2010

New Jersey Department of Transportation

TABLE OF CONTENTS

	<u>Page</u>
1. INTRODUCTION	3
1. Purpose of the Self-Evaluation	3
1.1 Designation of an ADA Coordinator	4
1.2 Timeline	5
2. SELF-EVALUATION PROCESS WITHIN NJDOT	6
2.1 Facilities	12
2.2 Curb Ramps	13
APPENDIX A	Grievance Procedures
APPENDIX B	Non-Discrimination Statement
APPENDIX C	Assurances
APPENDIX D	Complaint Form
APPENDIX E	Complaints Record Check Sheet
APPENDIX F	Facilities Site Inspections
APPENDIX G	ADA Workgroup
APPENDIX H	Consultant Budget Summary

1. INTRODUCTION

The State of New Jersey Department of Transportation's (NJDOT) Americans with Disabilities Self-Evaluation Plan has been developed to fulfill the requirements of the American with Disabilities Act of 1990 (public law 101-336) under the implementing regulations for Title II, 28 CFR Part 35 §35.150 which requires the NJDOT to conduct a self-evaluation of its programs, policies and procedures, offered to the public to ensure that those programs, policies and procedures are accessible to persons with disabilities.

Prior to this current Self-Evaluation, during the summer of 2010, six buildings and facilities under the jurisdiction of the State Department of Transportation were surveyed and those elements representing architectural barriers to persons with disabilities were identified and documented in written reports. These surveys were conducted to begin the process of providing necessary information for promulgating a comprehensive Transition Plan addressed in CFR 35.150 (d).

To meet NJDOT's requirement to develop a curb ramp installation schedule, the department contracted with consultant Michael Baker Jr., Inc to provide an inventory of state roadway mainline intersections with the intent to determine the number that have sidewalk curb ramps.

The Transition Plan, at a minimum, must include the following information:

- Identify physical obstacles that limit the accessibility of the public entity's programs, services, or activities to people with disabilities,
- Describe the methods to be used to make the facilities accessible,
- Provide a schedule for making the access modifications; provided a yearly schedule for making modifications if the Transition Plan is more than one year long and,
- Indicate the public official responsible for implementation of the Transition Plan.

1.1 Purpose

The last ADA Self-Evaluations were completed in 2008 and 1994. To better assess how the department was implementing ADA, the Division of Civil Rights, Unit of Title VI created an "ADA Workgroup" in the Spring of 2008 composed of various stakeholders throughout DOT. Currently, there are 23 participants in the workgroup which represent key areas of the department: Civil Rights and Affirmative Action, Planning, Capital Program Management (CPM), Facilities, Regional Operations, Operations Support, Maintenance Engineering and Operations, Traffic Engineering & Safety, Information Technology/GIS, along with the Office of Information Technology (OIT).

This 2010 ADA Self-Evaluation is an update to the last plan submitted in 2008. The New Jersey Department of Transportation's goal is to provide accessible state-owned transportation facilities for all persons living in, working in or traveling in New Jersey. This Self-Evaluation Plan addresses NJDOT's obligations to inventory State owned

facilities and the identification of the number of state roadways with curb ramps. NJDOT had identified 750 NJDOT facilities that were built before 1992 which will be inspected over a ten year period to ensure ADA accessibility.

This self-evaluation of NJDOT transportation facilities, programs and activities will assess where accessibility problems exist. This information will then be utilized to update the 2010 Draft Transition Plan, which will identify and prioritize actions needed to bring roadways and pedestrian facilities into ADA compliance. NJDOT will plan and act to ensure that our facilities, programs and activities are fully accessible.

Other components of the Self-Evaluation process entail:

- Ongoing Identifying additional staff and/or consultants to inspect pedestrian facilities for compliance.
- ADA Work Group assisting ADA/504 coordinator in the continuous process of identifying gaps and opportunities for improvement of ADA issues throughout NJDOT and in the development and implementation of the upcoming Transition Plans.
- Establishing a public involvement process which includes the disability community and other interested individuals to comment on Transition Plans.

1.2 Designation of an ADA Coordinator

The Section 504 regulation at 49 CFR § 27.13 and the Title II regulation at 28 CFR § 35.107 provide that the recipients with 15 or more employees, and at any public entity with fifty (50) or more employees must designate at least one employee to coordinate compliance with the respective regulations. The public entity shall make available to all interested individuals the name, office address and telephone number of the ADA Coordinator, while a Section 504 recipient, at a minimum, must inform the public of the identity of its Coordinator.

Statement of Responsibility of ADA/504 Coordinator

The ADA/504 Coordinator is charged with the responsibility for implementing, monitoring and ensuring the agency's compliance with Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. ADA/504 Coordinator responsibilities include:

- Monitoring the department's current policies and practices for implementing ADA/504.
- Identifying shortcomings in compliance and developing remedies.
- Evaluating remedial steps taken to eliminate the effects of discrimination.
- Monitoring complaint procedures that incorporate appropriate due process standards and providing for prompt and equitable resolutions of complaints filed under ADA/504.
- Ensuring agency compliance with ADA/504.

- Collaborating and coordinating with the heads of major divisions and departments to enable ADA/504 compliance efforts.
- Establishing and maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations.
- Monitoring the agency's ADA/504 Transition Plan to ensure that all department facilities remain in compliance with applicable accessibility standards.
- Monitoring established procedures to ensure that requested auxiliary aids are provided for persons.
- Conducting annual reviews of ADA/504 program areas.
- Conducting ADA/504 training programs for agency managers and employees.
- Preparing a report of ADA/504 accomplishments and problem areas for the Federal Highway Administration Annual Assurance Report.
- Monitoring the preparation of ADA/504 information for dissemination to the general public, including the "Notice to the Public" offer to provide reasonable accommodation, upon request.
- Identifying, investigating, and eliminating ADA/504 discrimination when found to exist.

1.3 Time Line

Short Term Deliverables – Yr. 1 - 3

- Curb ramp installation schedule
- Inventory of State facilities
- ADA posters, signs and brochures
- TTY (Text Telephone) or TDD (Telecommunication Device for the Deaf) TTY is the more widely accepted term, however, as TTY's are used by many people, not just people who are deaf. A TTY is a special device that lets people who are deaf, hard of hearing, or speech-impaired use the telephone to communicate, by allowing them to type messages back and forth to one another instead of talking and listening. A TTY is required at both ends of the conversation in order to communicate.
- Prepare vital documents in Braille, large print and cassette tapes.

Long Term Deliverables – Ten Year Plan

We project that it will take at least ten (10) years to have a fully functioning ADA program. Activities will include:

- Rewriting ADA 504/Transition Plan
- Rewriting Self-Evaluation Plan

- Ongoing development of a Curb Ramp installation schedule
- Identification of all 750 NJDOT structures that were built before 1992.
- Identification of NJDOT buildings and facilities that are not handicap accessible and determine if barrier removal is “readily achievable” or not.
- Ensuring that all NJDOT buildings and facilities built after 1992 comply with ADA standards.
- Implementing new accessibility requirements for all new construction using ADA architectural standards.
- Building and ADA inventory database
- Ongoing ADA Training of NJDOT Staff, Local Counties and Municipalities

Proposed Staffing Plan -

Field Tech.	1.00 person-years
Field Tech./Consultant (See #2)	1.00 person-years

Proposed Funds – Statewide STP FY 2009 --\$0.100, FY 2010 --\$0.200, FY 2011 --\$0.250, FY 2012 --\$0.250, FY 2013 --\$0.250, FY 2014 --\$0.250, FY 2015 --\$0.250, FY 2016 --\$0.250, FY 2017 --\$0.250, FY 2018 --\$0.250 **Total Funds - \$2.00**

Savings/Benefits –

If the ADA regulations are properly enforced, benefits could include safer streets, sidewalks, buildings, ramps and facilities. Curb ramps and Pedestrian signals will be ADA accessible. The upcoming Transition Plan may allow merges between State, Municipal and Local Governments reducing the time it takes to approve projects.

The Department could save hundreds of thousands of dollars if we are able to avoid ADA complaints and lawsuits by this Self-Evaluation and implementing an effective 504/Transition Plan.

2. SELF-EVALUATION PROCESS WITHIN NJDOT

Responsibilities

A. General Requirements (Subpart A and B):

1. *Does the STA have a 504/ADA coordinator (28 CFR 35, .107(a) & 49 CFR 27.13(a)?*

Yes. Chrystal Section, NJ Division of Civil Rights, Title VI Unit, (609) 530-2939

2. *Does the STA have an internal grievance procedure that allows for quick and prompt solutions for any complaints based on alleged noncompliance with 504/ADA?*

Yes. It outlines the steps persons wishing to file a grievance should take to file a complaint. The contact information of the ADA Coordinator is listed on the form. A copy is included in this report, **APPENDIX A**.

3. *Does the STA keep on file for at least one year all complaints of noncompliance with ADA and 504 received? (49 CFR 27.121 (b))*

Yes.

4. *Has the STA drafted and disseminated to participants, applicants, employees, union and contractors/consultants a non-discrimination policy statement that states that the STA does not discriminate on the basis of disability in admission or access to, or treatment or employment in its programs or activities? (28 CFR 35.106 & 49 CFR 27.15)*

NJDOT has a Notice of Nondiscrimination statement signed by the Commissioner that states that the department does not discriminate on the basis of disability in admission or access to, or treatment or employment in its programs or activities. A copy is included in this report, **APPENDIX B**. It will be disseminated to all stakeholders.

5. *Does the non-discrimination policy statement also identify the name title, office address and office telephone number of the 504/ADA Coordinator? (28 CFR 35.107(a) & 49 CFR 27.15(a) and (b))*

Yes. It states the following:

State of New Jersey, Department of Transportation, Division of Civil Rights
ADA Coordinator, Chrystal Section
1035 Parkway Avenue, Trenton, New Jersey, 08625, Main Office Building, 2nd
FI (609) 530-2939 [Voice]
(609) 530-4030 [Fax]
Monday-Friday, 9:30 AM-5:30 PM

6. *Has the STA conducted a self-evaluation of its current services, policies and practices, and the effects thereof, to determine necessary modification to achieve program accessibility? (28 CFR 35.105 & 49 CFR 27.11 (c)(2)(i-v))*

Yes. This document is our modified self-evaluation. As previously stated, the department has conducted neither a self-evaluation nor a transition plan since 1994. The division has within the last six months begun to aggressively put our ADA program in place through the creation of a workgroup composed of SMEs throughout the department.

7. *If so, did the STA provide an opportunity to interested person, including individuals with disabilities or organizations representing individuals with*

disabilities, to participate in the self-evaluation process by submitting comments? (28 CFR 35.105(b) & 49 CFR 27.11(c)(20))

Our goal is to reach out to interested person, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

8. *Has the recipient established a system for periodically reviewing and updating the evaluation? (49 CFR 27.11 (c)(2)(v))*

Yes. It will be updated annually.

9. *Does the STA maintain in inoperable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities? (28 CFR 35.133)*

Yes. We are not designing new facilities, if reasonable remediation is being done on existing structures.

10. *Does the STA monitor sub-recipients who receive STA assistance (local governments, contractors, consultants) to ensure compliance with Title II ADA and 504 with respect to STA Funded (both Federal and State \$\$) projects and programs that the sub-recipients implement? (28 CFR 35.130 (b)(1)(v) 7 49 CFR 27.7 (V))*

It is our goal to monitor sub-recipients as we roll out this program.

11. *Does the STA provide a written assurance to the FHWA that it will not discriminate on the basis of disability in the provision of its programs, services, activities and facilities, and that it will be in compliance with Section 504 and all of its requirements? (49 CFR 27.9)*

Yes, a copy of the written assurance is included in this document, **APPENDIX C**

B. Program and Facility Accessibility (Subpart D)

1. *Has the STA developed and implemented a transition plan that outlines which structural modifications must be made to those programs and services that are not accessible? (28 DFR 35.150(d) & 49 CFR 27.11)*

We are in the process of meeting with key stakeholders to update our transition plan. The last one completed was 1994

2. *Has the STA also developed a curb ramp installation schedule as part of the transition plan for pedestrian facilities it owns, operates and/or maintains (28 CFR 35.150(d)(2))*

The department has hired consultant firm Michael Baker, Inc (Baker) to perform an inventory of state roadway mainline intersections with the intent to determine the number that have sidewalk ramps. There are a total of 9,953 intersections on the New Jersey roadway system.

3. *If so, did the STA provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the transition plan process by submitting comments? (28 CFR 35.150(d)(1) & 49 CFR 27.11(c)(2))*

It is our goal within the next two months to meet with the public and have those with disabilities or organizations representing individuals with disabilities the opportunity to participate in the transition plan process by submitting comments.

4. *Is the transition plan available for public inspection (28 CFR 35.150(d)(1) & 49 CFR 27.11)*

Yes, both the 2009 and 1993 Transition Plans are accessible to the public via the NJDOT library. The 2009 Plan is also available on the NJDOT Website.

5. *Has the STA modified any policies or practices that do not meet Section 504 according to a schedule or sequence that includes milestones or measures of achievement? (49 CFR 27.11 (c)(2)(iii))*

We have yet to finalize an External ADA Policy and Procedure. Currently, we are using the department's Internal ADA Policy and Procedure. The External Policy and Procedure will be completed in 2010.

6. *Has the STA taken appropriate remedial steps to eliminate the effects of any discrimination that resulted from previous policies and practices (49 CFR 27.11 (c)(2)(iv))*

As complaints arise, they are addressed based on current policies and practices. Policies and practices will be evaluated based on feedback from key stakeholders.

7. *Does the STA have a process to analyze a project, program, service or benefit for determinations of "undue" financial or administrative burdens, or fundamental alteration to the program, service or benefit that compares with the criteria for making such determination in 28 CFR 35.150 (a)(3) and 28 CFR 35.164?*

When a barrier prevents access to a building or facility and removing it is not "readily achievable", we must provide service to people in a different way. Other ways include better customer service, curb side service, buzzers and bells, home delivery, home pick- ups, clerks that bring goods to those who are handicapped, etc.

8. *Does the STA build new facilities and alter existing ones (both pedestrian ROW and STA buildings) in accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Appendix A of 49 CFR 37? (28 CFR 35.151 (c) and 49 CFR 27.3 (b))*

Yes. Site Inspections of NJDOT Headquarter, our three regional facilities: Freehold, Cherry Hill and Mount Arlington; along with two rest stops (welcome centers) Knowlton and Deepwater to identify accessibility problems and solutions in the existing facilities in order to meet the NJDOT's obligations under the ADA. Recommendations for improvements will be highlighted in order to remove barriers to make the facilities publicly accessible to those with disabilities.

9. *Does the STA have a process and procedure for the installation of accessible features on the pedestrian rights of way (curb ramps, accessible pedestrian signals, etc)?*

We are in the process of creating a process that will be included in the transition plan that will address the following:

- Compile an Inventory of locations (streets, intersections) to be made accessible;
- Prioritize of locations to be modified
 1. Location of government services (city hall, schools)
 2. Locations of places of public accommodations (shops)
 3. All other areas (residential)
- Identify Type of modification, such as curb ramps
- Specify Public Involvement efforts:
 - Groups, Organizations, Individuals contacted
 - Methods of Public Involvement (meetings, surveys)
 - Comments received should reflect the Transition Plan focus and scope

10. *Does the STA have a process to provide accessible highway rest areas and pedestrian underpasses, overpasses and ramps that are newly constructed or altered with Federal aid? (49 CFR 27.75)*

Yes

11. *Does the STA have a process for making technical infeasibility determinations for new construction and alterations that comports with the criteria in ADAAG 4.1.1 (5) and 4.16(J)?*

This is done on a project by project basis. Why a project is technically infeasible must be substantiated and documented.

12. *Does the STA have a process to provide access to programs, services and benefits to those with disabilities that comports with 28 CFR 35.150 (b)(1)?*

Currently, we do not have a process in place

13. *Does the STA install curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway, when streets, roads, highways or crosswalks are newly constructed or altered, or when the crosswalk is constructed with Federal aid? (28 CFR 35.151 (e)(1)(2) and 49 CFR 27.75 (a)(2))*

Yes. On new roadway construction, roadway rehabilitation, roadway reconstruction, new bridge construction, bridge replacement and bridge widening projects, sidewalks will generally be provided on both sides of land service highways (including structures) in urban areas. A sidewalk may be omitted where there is insufficient border width or there is no anticipated pedestrian traffic due to the land use adjacent to the roadway or there is no worn pedestrian path. When a sidewalk will be provided only along one side of the highway, the designer should include provisions to accommodate pedestrian crossing of the highway to access the sidewalk if there is a substantiated existing or future need. Such provisions should include one or more of the following: signing, painted cross walks, at-grade pedestrian signal, pedestrian overpasses, etc.

14. *Is the STA installing detectable warnings in the form of truncated domes in curb ramps when roadways with pedestrian facilities are altered? (ADAAG 4.29 and FHWA policy guidance (May 2002))*

Yes, as of 1991 detectable warnings were required by the Americans with Disabilities Act Accessible Guideline (ADAAG) for hazardous vehicular ways, transit platform edges and curb ramps.

C. Communications (Subpart E)

1. *Does the STA provide auxiliary aids (sign language interpreters, readers, Braille, large print text) upon request, to STA program participants with disabilities? (28 CFR 35.160 (b)(1) and 49 CFR 27.7 (c))*

Yes. This is provided by NJDOT's Human Resources ADA Coordinator.

2. *Does the STA notify the public and other interested parties that auxiliary aids will be provided, upon request (e.g., via public meeting announcement)? 928 CFR 35.160 (a) 28 CFR 35.163 (a), and 49 CFR 27.7(c))*

Yes.

3. *Is the STA website and all of its contents accessible to individuals with hearing and visual impairments? (28 CFR 35.160 (a) 28 CFR 35.163 9a), and 49 CFR 27.7(c))*

Yes. NJDOT use Bobby Certified software that is compatible with software that is commonly use by the hearing and visual impaired.

4. *Are STA hotlines and other telephone services (511, traffic information) accessible by TTD/TTY phone services? Can hearing impaired individuals contact the STA via TTD/TTY phone line? (28 CFR 35.161 and 49 CFR 27.7(c))*

Currently, these services are not in place. Our goal is to have hotlines and other telephone serves for the hearing impaired in place by 2011.

2.1. Facilities

April and June of 2010, Civil Rights staff along with those in Facilities conducted ADA compliance inspections of the department's Trenton Headquarters, regional offices in Mount Arlington, Freehold, Cherry Hill and New Jersey's two highway rest stops Deepwater (Carney's Point) and Knowlton to identify accessibility problems and solutions in the existing facilities in order to meet the NJDOT's obligations under the ADA. Recommendations for improvements will be highlighted in the Draft Transition Plan in order to remove barriers to make the facilities publicly accessible to those with disabilities, as shown in **Appendix F**.

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. "The Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal" (ADA Checklist) details requirements found in the ADA Standards for Accessible Design (Standards). The ADA Accessibility Guidelines (ADAAG), when adopted by the Department of Justice, became the Standards.

The ADA Checklist was used as a tool during the ADA Regional Facilities Site Inspections to assist in determining methods for providing program accessibility. Public entities may achieve program accessibility by a number of methods. In many situations, providing access to facilities through structural methods, such as alteration of existing facilities and acquisition or construction of additional facilities, may be the most efficient method of providing program accessibility. The public entity may, however, pursue alternatives to structural changes in order to achieve program accessibility. Nonstructural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate accessible sites.

2.2. Curb ramps

Title II of the ADA specifically requires the provision of curb ramps or other sloped areas for all newly constructed or altered streets, roads and highways at any intersection having curbs or those barriers to entry from a street level pedestrian walkway. Public entities must also install curb ramps within existing sidewalk that are not otherwise being altered.

Consultant, Michael Baker Jr., Inc. (Baker) is performing an inventory of state highway mainline intersections with the intent to determine the number that have sidewalk curb ramps. Baker will use recently collected (2009) photo log images and perform a feature extraction process to identify the sidewalk curb ramps.

The following major tasks will be conducted:

1. Setup/Training/Feature Extraction
2. Post Processing
3. Summary Reports
4. Process Pilot
5. QA/QC and Project Management

A data collection effort will be performed using existing resources. Baker will utilize the recently collected 2009 video log imagery along mainline state highways to perform a feature extraction from the images for existing curb ramps. Specifically, Baker will perform the following feature extraction tasks:

- Configure the Feature Extraction (FE) software. The FE software will be configured with the features and attributes to be extracted for each feature. Intersection center points and curb ramps will be the two features extracted from the images. Attributes to be collected for each feature include:
 - Intersection Points
 - Side Street Type (public street/private driveway/unknown)
 - Existing Sidewalks (Yes/No)
 - Location (latitude/longitude/elevation)
 - Route SRI Number
 - Milepost
 - Representative Image ID
 - Sidewalk Curb Ramps
 - Existing (Yes/No)
 - Detectable warning surface (Yes/No/CBD)
 - Flush with gutter or street (Yes/No/CBD)
 - Landing Needed (Yes/No/CBD)
 - Landing meets minimum width (Yes/No/CBD)
 - Ramp meets minimum width (Yes/No/CBD)
 - Ramp aligned with crosswalk (Yes/No/CBD)
 - Location (latitude/longitude/elevation)
 - Route SRI N

- Milepost
- Representative Image ID

Note: CBD = Can't Be Determined from images

- Develop a Feature Extraction Manual and Training. A manual will be developed that includes descriptions of the attributes to be collected, examples of curb ramp situations to be encountered on the images, and instructions for extracting data from the images. One day of training on the same topics will be provided to feature extraction staff. Two staff will be trained in the feature extraction process in order to meet the project schedule.
- Review images for intersections. Baker extraction staff will rapidly click through the video log images for both directions of each mainline state highway route until an intersection is encountered with a side street or driveway with sidewalk and curb. Extractors will not stop at driveways that do not have curb and sidewalk present such as the ones typically found in rural areas. Extractors will also not stop at driveways with aprons between the sidewalk and the street because there would be no need for sidewalk curb ramps at these locations. Baker staff will not review video log images for Interstate routes or freeway sections of other state highway routes because they do not contain intersections and therefore should not have sidewalk curb ramps. As per direction from NJDOT, Baker staff will also not review video log images for state highway ramps, although it is possible that intersections at the termini of ramps to/from state highways could have sidewalk curb ramps.
- Extract Intersection Point features. Once a qualifying intersection is identified, the extractor will place an Intersection Point feature in the approximate middle of the intersection to get the location (latitude/longitude/elevation) and then populate the side street type and sidewalk presence attributes based on what can be discerned from the images. External sources such as Straight Line Diagrams (SLD) may be referenced to determine the Side Street Type.
- Extract Sidewalk Curb Ramp features. After the intersection point has been extracted, the Baker extractor will place points on curb ramps visible in the images. The attributes listed above for curb ramps will then be populated with visible, measurable data. If an attribute can't be determined from the photos a value of "Can't Be Determined (CBD)" will be entered. The extractor will use all camera views available to him/her to populate the attributes. The extractor will also place a point on locations where a curb and terminating sidewalk are present but no curb ramp is present. These points will be assigned a value of "No" in the "Existing" attribute. Once the visible sidewalk curb ramp features have been attributed and missing ramps identified, the extractor will continue viewing the mainline state highway route images until the next qualifying intersection is encountered.

This process will repeat until the end of each relevant (non-freeway) state highway mainline route.