



TITLE VI

SELF-EVALUATION

FOR

AMERICANS WITH DISABILITIES (ADA)

IMPLEMENTATION PLAN

OCTOBER 2008

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 Responsibilities	6
2.2 Curb Ramps	11
APPENDIX A	Non-Discrimination Statement
APPENDIX B	Assurances
APPENDIX C	Grievance Procedures
APPENDIX D	Complaint Form
APPENDIX E	Complaints Record Check Sheet
APPENDIX F	State Owned Facilities
APPENDIX G	List of Projects
APPENDIX H	ADA Workgroup

1. INTRODUCTION

The State of New Jersey Department of Transportation's (NJDOT) 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.

The goal of the 2008 ADA Self-Evaluation is to review and assess how the NJDOT is addressing ADA external processes: State Roads, State Highways and State owned Facilities. The last ADA Self-Evaluation was completed in 1994. Therefore, to better assess how the department is implementing ADA, the Division of Civil Rights, Unit of Title VI created an "ADA Workgroup" in the Spring of 2008 composed of key stakeholders throughout DOT. Currently, there are nineteen participants in the workgroup which represent 13 areas of the department: Civil Rights and Affirmative Action, Facilities, Regional Operations, Bicycle/Pedestrian Unit, Operations Support, Electrical Maintenance, Maintenance Engineering and Operations, Assistant Commissioner's Office, Traffic Engineering, Traffic Safety Programs, Rapid Design, Capital Program Support, and Major Access Permits.

We are in the process of inventorying all roads that require curb ramps. With the assistance of our ADA Workgroup, and consultant we will engage key divisions and personnel in the department in order to develop a curb ramp installation schedule. Also, an inventory of the applicable 1,500 State owned facilities will be conducted to ascertain ADA accessibility.

Other components entail:

- Identifying staff and/or consultants to review each facility for compliance. Developing an ADA/504 advisory group or task force to assist ADA/504 coordinator in the development and implementation of the upcoming transition plans.
- Establishing a public involvement process and including the disability community and others to participate.
- Identifying facilities used by recipients'/public entities' programs and services. With respect to pedestrian right-of-way facilities: Include an inventory and/or map of streets, sidewalks, intersections that need to be made accessible.

1.1 Purpose

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 lists an inventory of facilities that the department will inspect to ensure compliance with ADA. It also includes a listing of 478 active and upcoming NJDOT construction projects taken from the August, 2008 *Capital Project Status Report*. These projects must be inventoried to be included in the curb ramp installation schedule.

We are currently conducting a self-assessment of all of our transportation facilities, programs and activities to determine where accessibility problems may exist. Once completed, we will then develop a transition plan, which will identify and prioritize actions needed to fix those problems identified by the self-assessment. We will plan and act to ensure that our facilities, programs and activities are fully accessible.

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

In order to efficiently and effectively deploy an ADA program, this unit must secure funding, solicit and hire a consultant to assist with plan development and collection of data.

Short Term Deliverables –Year 1

- 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 devise 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.

Staffing Plan -

N/A	0.00 person-years
N/A	0.00 person-years

Funds –FY 2009 - Statewide STP - \$0.100 Total (includes printing cost, “laminated I speak cards”, installation of TTY lines and 800 numbers, preparation of documents in Braille and stipends)

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
- Developing a Curb Ramp installation schedule
- Identification of all 1,500 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

Staffing Plan -

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

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 - \$2.35**

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-Williams, 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 C.

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 A. 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-Williams
1035 Parkway Avenue, Trenton, New Jersey, 08625, Main Office Building, 2nd Fl (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))*

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. Once developed, 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 B

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))*

Currently, there is no curb ramp installation schedule. We are meeting with key personnel to develop a process to be implemented and included in our upcoming transition plan.

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))*

This is our self-evaluation plan. Once a transition plan is created, interested persons, including individuals with disabilities or organizations representing individuals with disabilities will be offered 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)*

Currently, the 1993 transition plan is accessible to the public via the NJDOT library. Once the transition plan is update it will also be made available for public inspection.

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))*

No

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 comparts 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.

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 2009.

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.

We foresee it the development of a curb ramp schedule to be a lengthy process. We will have to engage our Workgroup, a consultant along with key personnel in the department to develop this process. Data will have to be collected and inventoried for inclusion in our upcoming Transition Plan.