

**Americans with Disabilities Act (ADA) Data Inventory Collection and Analysis
Program**

FINAL REPORT
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Submitted by

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In cooperation with

New Jersey
Department of Transportation
Bureau of Research

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16. Abstract This report describes research conducted for the New Jersey Department of Transportation (NJDOT) Division of Civil Rights to aid in its compliance efforts relative to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA). The project examined the potential for a data collection and analysis program to enable the Division of Civil Rights to extract and utilize ADA-related data from existing Departmental databases and relevant data sources, and to provide support for the development of data items to fulfill future requirements for an inventory of existing barriers and a curb ramp installation schedule. Upon early findings of substantive limitations to existing databases and sources (and limited ability to merge data across these sources) to yield useful ADA-related information within the timeframe of this research effort, the original research objective was amended to provide a greater focus on the communication and public outreach aspects of Title II.			
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EXECUTIVE SUMMARY

The New Jersey Department of Transportation (NJDOT), Bureau of Research, in cooperation with the NJDOT Division of Civil Rights (DCR), is fulfilling a program directive to enhance its compliance efforts with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (ADA). These laws prohibit discrimination against or denial of services or access for persons with disabilities. In 2009, the Department's program oversight agency, the Federal Highway Administration (FHWA), highlighted specific areas of improvement that NJDOT should undertake with respect to its Section 504/Title II program. In response to this directive, the DCR asserted its commitment through a series of ongoing efforts to clarify, strengthen, and elevate this program within the Department. Earlier research activities performed as part of the separate, but related, *Americans with Disabilities Act (ADA) Program Review, Training, and Support Services Task* spurred the completion of several program elements that became the building block for future efforts and activities.

The original objectives of this research were to utilize the insights from gap analysis interviews conducted under prior research to identify the most promising databases and data sources for analyzing and monitoring the status of non-accessible infrastructure, as well as improvements to those physical barriers over time, per the requirements of Title II. However, given the disparate and siloed nature of the existing data sets, the lack of common features or geographic fields for easily merging data that cut across various NJDOT functional areas, and unclear prospects for incorporating curb ramp locations into a statewide roadway inventory, the initial objectives were revised to provide a greater focus on the communication and outreach aspects of Section 504 and ADA Title II. The significance of outreach and program communication is highlighted by the 2009 FHWA directive, by Title II requirements related to public involvement in the development of the Self-Evaluation and Transition Plan, and by the responsibilities outlined for the ADA Coordinator under Title II.

The research to support increased program visibility and enhanced outreach included:

- Developing a framework for internal and external communication for the Title II and Section 504 Program.
- Developing materials to support engaging with the disability community in New Jersey.
- Drafting a Mission and Vision statement for the program.
- Compiling website content to educate the public about the program, its required elements, NJDOT's approach and roles, available resources, and contact information.
- Developing content for internal promotion and education.
- Developing a program brochure to highlight NJDOT's Section 504 and Title II program to the public-at-large, including English and Spanish versions.

BACKGROUND

Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (ADA) prohibit discrimination against or denial of services and/or access to persons with disabilities. In its program oversight role for NJDOT's ADA efforts, the Federal Highway Administration (FHWA) directed the Division of Civil Rights to accelerate its program activities to demonstrate measured progress in achieving compliance with these two laws. As a defined "recipient" of Federal financial assistance and a "public entity" under Section 504 and Title II, respectively, NJDOT must act to prohibit discrimination against qualified individuals with disabilities in providing access to its public services and facilities. This involves undertaking specific actions to enable persons with disabilities to participate equally in NJDOT's programs, services, and activities. Examples of such actions include the provision of auxiliary aids or other services upon request, adoption and dissemination of public notice regarding NJDOT's responsibilities regarding Section 504/Title II, provision of reasonable modifications to existing policies and programs to enable participation, and addition of accessible features to newly constructed facilities and facilities undergoing alterations.

In 2009, to address potential gaps in NJDOT's ADA program and to reinforce the Department's commitment to improved compliance, the FHWA advised the Division of Civil Rights to review its existing Section 504/Title II functions and activities, to initiate immediate steps to increase program awareness and visibility, and to document concrete accomplishments. In addition, the FHWA specifically tasked the Division to prepare an update to its 1994 Transition Plan, which comprises a substantive requirement under Title II. The Transition Plan serves as a long-term roadmap for the incremental removal of physical barriers within pedestrian facilities. One of the required elements of this plan is the development of a curb ramp installation schedule for areas where pedestrian walks cross curbs. In response, the Division of Civil Rights conducted an initial self-evaluation into its programs, policies, and procedures to assess its progress to date in addressing ADA issues.⁽¹⁾ The following year, the Division conducted its first major update to the Transition Plan since the completion of the initial draft in 1994.⁽²⁾

The Department also recently completed a review of existing curb ramps on State highways. There are a total of 10,093 intersections on the New Jersey State highway system. The majority of these (83 percent) have all ramps present with 825 intersections missing ramps on some corners and 881 missing ramps on all corners.⁽³⁾ The analysis was not able to examine the slope of the ramps, so some portion of the 8,387 that have all ramps on all corners may not have ramps that meet current requirements.

The 2009 Draft Transition Plan was a major accomplishment for the Division of Civil Rights, marking a major milestone in its efforts to reenergize the Title II program. However, the abbreviated timeframe under which the Plan had to be completed, and submitted for FHWA review, did not allow for a meaningful opportunity for external parties – namely, interested individuals and organizations, including persons with disabilities – to review and provide comments. Per Title II, every Transition Plan must

contain a record of opportunity given to given to members of the public to participate in the Plan development.

This project directly addresses initial public outreach efforts. The Division hopes that improved communication and outreach activities will result in successful sharing of information with the public about the Department's activities to improve accessibility. Such efforts are also intended to allow the Division of Civil Rights to learn about ADA-related needs and concerns directly from advocacy groups and members of the disability community. Ultimately, the Division would like to engage these groups in providing specific feedback and comments to the pending 2010 Draft Transition Plan update. In general, public input can help the Division to shape the Title II program as it evolves and matures over time. In addition, through its internal information sharing site and future training opportunities, the Division hopes to employ communication and outreach tools to expand the reach of its Section 504/Title II program to other personnel within the Department, as well as to local public agencies (LPAs) and other sub-recipients of Federal funds that must comply with Title II.

OBJECTIVES

The overarching objective of the research was to enhance the communication and outreach tools employed by the NJDOT Division of Civil Rights to expand the reach of its Section 504/Title II program. The key audiences for outreach and communication activities include:

- NJDOT's ADA Work Group. The project included ongoing communication with the ADA Work Group. The Work Group serves as a repository of functional knowledge on ADA matters, and can act as a broader information conduit for disseminating information to its functional area staff throughout the Department.
- Other NJDOT personnel. Education of other personnel (including staff in functional areas as varied as Traffic Engineering, Operations Support, Planning, Capital Program Management, etc.) was provided to increase awareness of ADA and Section 504/Title II compliance across NJDOT and its various divisions. The success of compliance efforts with respect to Title II requires knowledge, sensitivity, and continual feedback between NJDOT staff and the Division of Civil Rights. The Division relies on information and data collected by other NJDOT staff, so ensuring a flow of information is critical to a successful program.
- Local public agencies (LPAs) that are the sub-recipients of Federal transportation funds. Educating the LPAs on their responsibilities regarding Title II ensures that NJDOT is effectively fulfilling its oversight role with its sub-recipients. These sub-recipients include any agencies that receive FHWA transportation funds which are passed down through the New Jersey DOT.
- The public-at-large. Actively engaging public stakeholders, particularly the pedestrian community and members of the disabled pedestrian community, is an important part of the Division's Title II program. Disseminating information to the public regarding NJDOT's rights and responsibilities under Title II and providing

contact information for the ADA coordinator makes it easier for the public to have their questions addressed and to register concerns regarding disability discrimination, including filing of a formal grievance.

INTRODUCTION

The ADA program at NJDOT, focused on Section 504 and Title II compliance, has recently engaged in a series of activities to establish an administrative framework and requirements. These include:

- Creating an internal ADA Work Group of 23 subject matter experts to share ADA information across their functional areas and to provide feedback to the Division of Civil Rights on ADA matters.
- Conducting a Self-Evaluation to assess how well NJDOT's programs, policies, and procedures comply with ADA requirements.
- Updating NJDOT's Draft Transition Plan, last completed in 1994.
- Designating an ADA Coordinator.
- Developing a Notice Regarding ADA Requirements.
- Adopting grievance procedures and providing easy access to the public to file grievances.

This project provided technical support to the Division of Civil Rights to 1) develop a framework for conducting internal and external communication activities in the future, and 2) to establish limited public outreach engagements with NJDOT's key stakeholders, especially members of disability advocacy groups and their constituents. Both subtasks were supported by the provision of relevant outreach materials, including program brochures, program summaries of major efforts and accomplishments to date, website content to provide information to the public as well as within the Department.

The research aimed to provide insights to respond to the following questions:

- What gaps in program communication and outreach efforts currently exist, and what types of materials should be developed to help support those efforts?
- What types of distribution channels are available and could be effectively used to make program information available to the public?
- What best practices exist regarding public outreach that could be considered by the Division of Civil Rights?
- What are some potential stakeholders groups in the State which could be contacted for future outreach efforts?

SUMMARY OF WORK PERFORMED

The tasks performed as part of this research effort included the following.

Development of Mission and Vision Statement

In collaboration with the Division of Civil Rights, a Mission and Vision Statement was developed for the Title II program to underscore the Department's commitment to collaboration with its stakeholder base to advance improvements in accessibility. The Mission and Vision Statement will be presented to the public during outreach sessions and reinforced by being placed on any promotional materials.

Development of External and Internal Website Content

Materials developed for inclusion on NJDOT's website and internal file sharing site included the U.S. Department of Justice Toolkit and related checklists, finalized education and training material slides, a Power Point presentation and materials for outreach sessions, links to best practices documents, data summaries on persons with disabilities, and disability group contacts throughout the State. A page was created on the NJDOT website that is clearly linked from the main NJDOT website.¹

Outreach Sessions to Members of the Disability Community

Three major disability advocacy groups in New Jersey –the New Jersey Council on Developmental Disabilities, Disability Rights New Jersey, and the Progressive Center for Independent Living – were contacted to gauge potential constituent interest in providing input on accessibility issues on state roadways and public rights-of-way. These agencies were requested to disseminate meeting information to their agency staff, their constituents, and any other member networks they were involved with that may also be interested in the topics covered by NJDOT's public outreach sessions. Two sessions were conducted in May 2011. The materials produced for these sessions included an invitation flyer, draft Power Point slides, a brief summary of NJDOT's Key ADA activities and Accomplishments, Frequently Asked Questions (FAQs), an Executive Summary of the 2010 Draft Transition Plan, and an ADA Comment/Feedback Form for the meeting participants.

The meetings were intended to serve the following goals:

- Sharing information about the Department's efforts and activities to improve accessibility,
- Learning about ADA-related needs and concerns directly from advocacy group staff and members of the disabilities community, and

¹ The NJDOT ADA website can be accessed at: <http://www.state.nj.us/transportation/business/ada/>.

- Encouraging the continuation of the dialogue and obtaining specific feedback and comments as NJDOT updates its Transition Plan. The Division of Civil Rights made the Transition Plan available via e-mail to interested persons, since it had not yet been posted on the NJDOT website.

CONCLUSIONS AND RECOMMENDATIONS

Following the receipt of FHWA's 2009 directive that NJDOT should take immediate steps to reinvigorate its ADA Title II program, the Division of Civil Rights has produced a significant volume of educational, outreach, and promotional materials, including required notices under Title II. With these materials in hand, the Division can more fully engage its internal resources (i.e., ADA Work Group) and conduct additional training sessions with new target audiences, such as local public agencies (LPAs). The Division can also use the materials developed for this effort to conduct additional outreach with the public. Ongoing outreach will address the Division's roles, responsibilities, and ongoing efforts, and provides a mechanism to gather feedback to help update the Draft Transition Plan.

Additionally, the Division should make a concerted effort to use all available means for sharing information. Publishing and publicizing notices to the public about their rights and NJDOT's responsibilities under the ADA is an ongoing requirement. Distribution channels will include local newspapers, local radio and television stations, posting at public facilities (including public transit stops, such as bus shelters) and inclusion with job applications and program handbooks, etc.

As outlined by the 2009 NCHRP report titled *ADA Transition Plans: A Guide to Best Management Practices*⁽⁴⁾ successful communication and public outreach includes providing ADA information on-line on the Department's website. As of the completion of this project, the NJDOT website contains specific ADA information in a unique location. The website includes overall ADA requirements, information about the grievance procedure, training materials, and other relevant information.

Public participation is also critical for a successful ADA program. Public meetings can be targeted to members of the pedestrian community, particularly those with disabilities. Advocacy groups for the disabled can help distribute mailings and information to this targeted community. Creating opportunities for the disabled community and other interested members of the public to participate in developing the Transition Plan is critical to the process. Information dissemination, including requests for comments, can occur through newsletters, websites, and awareness days. Possible sources of input to the Transition Plan include advocacy groups, activists, general citizens, organizations that support the rights of the disabled, elected officials, and other agencies. Public comments can be obtained via meeting comment forms, transcriptions of meetings, dedicated phone lines, and email or postal addresses. Outreach sessions can take advantage of geographic information system (GIS) tools to generate maps of street level detail of public access issues along the rights-of-way to create a more productive information exchange.

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