



**NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION**

**2015 ADA
SELF-ASSESSMENT
&
TRANSITION PLAN**

This document is available in alternate format by request to the NCDOT Equal Opportunity and Workforce Services ADA Program.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AMERICANS WITH DISABILITIES ACT
SELF-ASSESSMENT & TRANSITION PLAN

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I. INTRODUCTION

About NCDOT¹

The N.C. Department of Transportation (NCDOT) is responsible for all modes of transportation in North Carolina, including highways, rail, aviation, ferries, public transit, and bicycle and pedestrian transportation. It also includes the state's Division of Motor Vehicles, the Governor's Highway Safety Program, which promotes safety awareness and works to reduce highway crashes and fatalities, as well as the N.C. State Ports, N.C. Global TransPark and Turnpike Authority. The Department's operations are led by the Secretary of Transportation. A 19-member Board of Transportation is the Department's governing body and responsible for overseeing the transportation policy-making process and monitoring performance of the agency. NCDOT is a performance-based organization with a strategic, data-driven decision-making process that is transparent and accountable. This approach ensures that politics do not determine transportation priorities and aligns the Department's operations with its overall mission and goals.

NCDOT Interesting Facts:

- NCDOT...**
- Has the **2nd largest** state-maintained highway system in the country with nearly 15,000 miles of primary highways and nearly 65,000 miles of secondary roads
 - Has the **2nd largest** state-operated ferry system and the largest on the East coast – 22 ferries that serve 7 routes
 - Has more than **13,500 bridges**
 - Has **74 publicly owned airports** and nearly 300 privately owned airports, heliports and other landing areas. There are 7,000 registered aircraft, 14,000 licensed pilots and 10 commercial airports with regularly scheduled service
 - Has a transit system that provides transportation options to residents in **all 100 North Carolina counties**
 - Has an Adopt a Highway program with \$4.9 million saved by taxpayers through partnership with nearly **4,400 volunteer groups** to clean more than 8,500 miles of state-maintained roads annually
 - Has **8.8 million vehicles registered** in North Carolina and **7.4 million licensed drivers** who are serviced by 5 mobile units and 237 offices
 - Has **3,300 miles of railroad tracks** operated in North Carolina and North Carolina's Amtrak provides 3 roundtrips daily to Charlotte, Greensboro, Raleigh and 9 other North Carolina cities

¹ All information on this page was obtained from the NCDOT 2014 Annual Performance Review.

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Overview

This 2015 NCDOT ADA transition plan update is part of the process in creating a current and living ADA Transition Plan. This document takes information from previous work completed in 2009-2011 and updates it as well as adds crucial current information to it. The completion of a curb cut / ramp inventory is a major accomplishment for NCDOT. A solid inventory of these pedestrian rights-of-way is how NCDOT will ensure citizens have access when and where they need it. NCDOT's ADA program will now begin the process of establishing an ADA workgroup which will address a number of ADA topics including but not limited to: Upgrades to existing facilities, reviews of programs and services, ongoing internet accessibility efforts and additional self-assessments where determined necessary. The North Carolina Department of Transportation recognizes the need for all North Carolina citizens to have accessibility and is committed to this work of ensuring ADA assessment and transition is an ongoing process with the ultimate goal of equal access for all who live in or visit North Carolina.

The Americans with Disabilities Act (ADA) applies to all NCDOT buildings and facilities, including those constructed before and after 1990. As a necessary step to developing an ADA program, state and local government, public entities or agencies such as NCDOT are required to conduct self-assessments of their buildings and facilities, pedestrian right-of-ways (sidewalks, curb cuts, and curb ramps), services, policies, and practices in accordance with accessibility requirements of the ADA.

The Department's ADA self-assessment & Transition Plan addresses certain titles within the ADA. The 2015 ADA Transition Plan serves as an update document to previous NCDOT assessments and plans. The Department conducted a self-assessment of its owned, leased and donated buildings and facilities in 2009-10 and provides an update to the status of that assessment in this Transition Plan.

NCDOT Americans with Disabilities Act / Section 504 Policy Statement

The North Carolina Department of Transportation's ADA/504 policy statement as updated in November of 2014 is on the next page:

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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

AMERICANS WITH DISABILITIES ACT/SECTION 504 POLICY STATEMENT

The North Carolina Department of Transportation (hereinafter referred to as the NCDOT) 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 NCDOT 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 NCDOT entity. Relay NC can be accessed by dialing 711 or 1-877-735-8200.

The NCDOT has an ADA Coordinator, Mark Whisenant, who can answer ADA related questions and handle reasonable accommodation requests as well as provide information on established procedures for filing a complaint alleging discrimination on the basis of a disability. The ADA Coordinator can be contacted at (919) 508-1822, through email at ADA@ncdot.gov, or by regular mail at the mailing address below. Any questions or comments concerning this policy should be referred to the ADA Coordinator.

Handwritten signature of Anthony J. Tata in black ink.

Anthony J. Tata, Secretary,
NC Department of Transportation

11/18/2014

Date

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
OFFICE OF EQUAL OPPORTUNITY AND
WORKFORCE SERVICES (EOWS)
1511 MAIL SERVICE CENTER
RALEIGH, NC 27699-1511

TELEPHONE: 919-508-1808
1ST FLOOR FAX: 919-508-1818
2ND FLOOR FAX: 919-508-1814
WEBSITE: WWW.NCDOT.GOV

LOCATION:
RANEY BUILDING
TRANSPORTATION TECHNOLOGY CENTER
104 FAYETTEVILLE STREET
RALEIGH, NC

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The AMERICANS WITH DISABILITIES ACT

The ADA was enacted on July 26, 1990 and provided comprehensive civil rights protection to persons with disabilities in the areas of employment, state and local government services to include transportation, access to public accommodations, and telecommunications. ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The ADA also requires employers to make reasonable accommodations for applicants and employees with disabilities. The ADA Titles applicable to NCDOT's self-assessment and Transition Plan are as follows:

1. Title II - Public Services and Transportation
2. Title IV - Telecommunications

Title II of the ADA prohibits disability discrimination by all public entities at the local, state and federal level. Title II specifically addresses the subject of making public services, programs and public transportation accessible to those with disabilities. In order to accomplish this, the U.S. Department of Justice developed regulations requiring public entities to conduct a self-evaluation of the accessibility of its programs, services and activities to determine whether issues of accessibility could be addressed through changes in the way such programs, services and activities are provided. Public entities such as NCDOT may provide program accessibility in the following ways:

- Structural changes to existing facilities,
- Construction of additional facilities,
- Redesign of equipment,
- Assignment of aids to beneficiaries, and
- Provision of services at alternate accessible sites.

Title IV of the ADA requires a state agency to provide a means to utilize telecommunications relay services (TRS) and telecommunications devices for the deaf and speech impaired (TDD). TRS is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS is available in all 50 states, the District of Columbia, Puerto Rico and the U.S. territories for local and/or long distance calls. There is no cost to the TRS user. The term TDD means telecommunications device for the deaf. This device is a machine which uses text communications through telephone networks.

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STATE AND FEDERAL LAWS AND REGULATIONS

The following federal and state laws and regulations govern NCDOT's ADA self-assessment and Transition Plan:

- **29 USC 794, Section 504 of the Rehabilitation Act of 1973**, provides: No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.
- **42 USC 3, Americans with Disabilities Act of 1990**, provides: Discrimination is prohibited against persons with disabilities in all aspects of life, including transportation, public services, employment, housing, public accommodations, education, communication, worship, recreation, and health services.
- **Public Law 100-259, Civil Rights Restoration Act of 1987**, provides: The Act restores the broad, institution-wide scope of coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.
- **23 CFR Part 1235, Uniform System for Parking for Persons with Disabilities**, provides: Guidelines to States for the establishment of a uniform system for handicapped parking for persons with disabilities to enhance access and the safety of such persons which limit or impair the ability to walk.
- **19A NCAC 02D.0104, Curb Cuts and Ramps Guidelines**, provides: Guidelines for the design and construction of curb cuts and ramps. The responsibility for providing the curb cut and ramp shall lie with the party which either causes an existing curb to be cut, or causes a new curb to be constructed.
- **ADA Accessibility Guidelines (ADAAG)**
- **Guide for the Planning, Design, and Operation of Pedestrian Facilities**, American Association of State Highway and Transportation Officials
- **Manual on Uniform Traffic Control Devices (MUTCD)**, Federal Highway Administration
- **Highway Design Standards**, North Carolina Department of Transportation
- **North Carolina State Building Code**, North Carolina Department of Insurance

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NCDOT ADA PROGRAM

The NCDOT ADA Program is part of the department’s Office of Equal Opportunity and Workforce Services and consists of an ADA Coordinator and an ADA Program Assistant. The ADA staff work to ensure all programs and services offered by the NCDOT are accessible to all who have a disability as defined by the ADA.

The ADA Coordinator’s responsibilities include:

- Ensuring contact information for ADA Coordinator is included in the ADA Policy Statement;
- Identifying and eliminating ADA/504 discrimination when found to exist;
- Developing ADA/504 information for dissemination to the general public and employees.
- Collaborating and coordinating ADA compliance efforts with the heads of NCDOT divisions or their designees;
- Establishing and maintaining collaborative relationships with external stakeholders, such as disability advocacy groups and sub-recipients;
- Monitoring services, policies, procedures, practices and processes with respect to ADA compliance and identifying compliance shortcomings and remedial measures for compliance;
- Processing disability discrimination complaint investigations;
- Monitoring and updating the self-assessment and Transition Plan;
- Developing procedures and coordinating requests for auxiliary aids and requests for reasonable accommodations;
- Coordinating inspections of facilities, buildings, and pedestrian right-of-ways such as curb cuts, curb ramps, and pedestrian facilities;
- Providing or coordinating ADA training; and
- Collecting and analyzing ADA data to develop regular reports; and
- Preparing a report of ADA/504 goals and accomplishments for the upcoming year

All NCDOT facilities in which the public conducts business will be physically accessible. All programs provided by the Department will be accessible meaning accommodations may need to be provided for the public to access a particular program, including hearings and workshops. The Department will provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. The Department makes reasonable accommodations to the known physical or mental limitations of otherwise qualified individuals with disabilities.

The ADA Program is responsible for handling reasonable accommodation requests from employees or applicants as well as complaints from the general public. NCDOT utilizes the “Employee Grievance Policy and Procedure” located in the State Human Resources Manual and adopts the State Human Resources “Reasonable Accommodation Policy and Procedure” to process internal ADA complaints of discrimination, retaliation, and

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requests for reasonable accommodation filed by employees and applicants. Any part-time or full-time temporary, permanent, probationary, non-career status or career status employee or applicant is eligible to file a complaint of disability discrimination including dissatisfaction with a decision concerning a request for reasonable accommodation. The procedure for disability complaints is taken from the NCDOT Employee Grievance Policy and Procedures revised January 1, 2015. To ensure that you are using the current policies, access those two policies from the Office of State Human Resources website and the NCDOT Human Resources Manual website. All grievance, complaint and reasonable accommodation policies and procedures as well as applicable forms can be found in **Appendix 1**.

Contact information for the ADA Coordinator and Program:

| | | |
|--|---|--|
| <u>MAILING ADDRESS:</u> NC Department of Transportation Office of Equal Opportunity and Workforce Services 1511 Mail Service Center Raleigh, NC 27699-1511 | <u>PHYSICAL LOCATION:</u> Raney Building Transportation Technology Ctr. 104 Fayetteville Street Raleigh, NC | TELEPHONE: 919-508-1844 FAX: 919-508-1814 EMAIL: ADA@NCDOT.GOV WEBSITE: WWW.NCDOT.GOV |
|--|---|--|

OUTREACH TO DISABILITY ORGANIZATIONS

The outreach effort to public disability related organizations included several disability advocacy committees and organizations (**Appendix 12**) in an effort to seek their participation and comments regarding the Department's draft ADA Transition Plan. The initial round of outreach was related to updates to a 2011 Transition Plan. NCDOT will continue to conduct outreach with disability related organizations as we conclude work on the self-assessment of pedestrian right-of-ways such as, curb cuts, curb ramps, and sidewalks.

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II. SELF-ASSESSMENT

NCDOT is responsible for demonstrating its programs, services, and activities are provided without discrimination. In order to accomplish this, the NCDOT will conduct a self-assessment of the accessibility of its activities, programs and services to determine whether issues of accessibility can be addressed through changes in the way such programs and services are provided. A self-assessment has been conducted of NCDOT buildings and facilities, telecommunication services, the Department's website and most recently a self-assessment / inventory has been completed of curb cuts / ramps.

SELF-ASSESSMENT OF BUILDINGS & FACILITIES

Program Facilities: The Department will provide direct access to programs, services, and activities offered by NCDOT. Direct access means that buildings and facilities will meet the ADA standards to enable individuals with disabilities access and provide an integrated environment for the disabled. Facilities and buildings serving the general public must comply with the ADA standards. These facilities and buildings include:

- Rest Areas and Welcome Centers
- Driver's License Offices
- Vehicle Registration & Tag Branch Offices
- Ferry Operations
- Aviation Operations
- Rail Operations
- Public Transportation
- Sidewalks, curb-cuts, curb ramps located on the State system
- Signalized intersections with sidewalks on the State system

Program facilities and buildings requiring access by business, commercial, as well as, the general public may require some alterations to facilities and buildings in order to comply with the ADA requirements. These building and facilities include:

- Administrative Buildings (Raleigh)
- Division of Highway Division Offices
- Division of Highway District Offices
- Ferry Division Office

Facilities and buildings that normally do not allow access to the general public, but occasionally have commercial or other limited access will not need to upgrade facilities,

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but may need to make accommodations for employees and applicants with disabilities. These facilities include:

- County Maintenance Yards
- Bridge Maintenance Yards
- Ferry Maintenance Yards
- Highway Resident Engineer Offices
- Traffic Services Facilities
- Landscape Facilities
- Equipment Shops
- Right of Way Offices
- Division of Motor Vehicles
- State Highway Patrol Facilities that are maintained the Department
- Division Equipment Materials and Test Facilities

Modification of Existing Facilities: Existing facilities requiring modifications will comply with the current North Carolina Building Code². NCDOT Facilities Management Division submits renovation projects, as required, to the State Construction Office, North Carolina Department of Administration which is the entity responsible for building code compliance. The Facilities Management Division determines capital improvement priorities and includes funding for those priorities in its biennial budget request, which is submitted to the Office of State Budget & Management.

New Construction: All new construction is designed to comply with the current North Carolina Building Code. The NCDOT Facilities Management Division submits all new construction projects, as required, to the State Construction Office, North Carolina Department of Administration, which is the entity responsible for building code compliance.

A self-assessment is designed to identify barriers to accessibility for persons with a disability. Where it is necessary to remove architectural barriers for program accessibility, NCDOT in accordance with ADA and the Rehabilitation Act of 1973 is required to conduct a self-assessment and incorporate its findings into an ADA Transition Plan. Architectural barriers are elements of the facility structure that make the facility or portion thereof inaccessible to persons with a disability. Additionally, whereas NCDOT has the responsibility or authority over streets, roads, and walkways, its ADA Transition Plan provides a process for providing curb ramps, curb cuts, and sloped areas where pedestrian walks intersect curbs. NCDOT's ADA Transition Plan outlines the structural modifications it will implement to improve its accessibility to people with disabilities. In

² The current code is the 2012 North Carolina Building Code and in Appendix E, Section E111, it references the following standards: Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles (ADAAG) (DOJ 36, CFR Part 1192) and Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1-03).

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addition, the process and schedule for structural modifications is addressed in Section III, Transition Plan of this document.

A self-assessment of owned, leased and donated NCDOT buildings and facilities was conducted in 2009-10 to determine which buildings and facilities were not ADA compliant (**Appendices 2 & 4**). NCDOT buildings and facilities must be program accessible and facility accessible. Program Accessibility means that the building or facility may not need to be altered. The programs or services offered may be modified or changed to accommodate individuals to meet ADA requirements. Facility Accessibility means that the building or facility requires structural or equipment modifications in order to administer the program or services. The priority for structural or program modification of NCDOT buildings and facilities is determined by the frequency of public usage.

Space that is leased will require that the rental agreement be modified to include a clause assuring ADA compliance such as contracted Vehicle Registration/Tag branches. All donated space for Driver License offices must also comply with ADA compliance requirements. Failure of leased or donated space in non-compliance may result in office relocations or closings. The acquisition of leased space is the legislatively-authorized responsibility of the North Carolina State Property Office. The Department works with State Property Office on all leases and adheres to the policies dictated by the *Real Estate Protocol*.

Building and facilities requiring modifications are designed to comply with the North Carolina State Building Code.

NC DOT Facilities Management Division provided a cost estimate for structural and/or equipment modifications.

The ADA program developed facility inspection forms (**Appendix 3**) to record the inspection of buildings, facilities and parking lots during the self-assessment phase (2009/2010).

The following NCDOT teams were assembled to conduct inspections:

Highway Division: Inspected Welcome Centers, Rest Areas, Division of Highway buildings, and adjacent parking lots within its division.

Ferry Division: Inspected facilities within its division.

Facilities Management Division's Facilities Maintenance Unit: Inspected state-owned buildings and parking lots that are maintained by the Department and utilized by Division of Motor Vehicles and/or the State Highway Patrol, and all NCDOT administration buildings.

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Division of Motor Vehicles: Inspected driver's license and vehicle registration/tag agencies that are operated by private contractors and usually occupy leased spaces acquired by the private contractors.

The teams inspected as part of their building and facility inspections the following:

- Adjacent and non-adjacent parking lot areas
- Building and facility access routes
- Building and facility entrances, and
- Interior of buildings and facilities.

Completed inspection forms were returned to the ADA Program. The building and facility inspection forms are divided into the six following sections:

Parking includes the number of parking spaces, paved or unpaved, handicap parking spaces, location of handicap spaces, size of handicap parking spaces, presence and number of van spaces and handicap signage.

Access to Entrance includes distance from parking area to the building or facility, presence of curb cuts, steps, ramp, or both, number of steps, slope from curb to building, and width of sidewalk.

Entry Door of the inspection included proper landing area at door, clear door width, direction of door swing, type door opener, presence of a vestibule, distance to interior door, clear width of interior door, direction of swing of the interior door, type of door opener and door lock.

Public Area includes desk height service counter, unobstructed corridor width, door hardware on doors with public access, blocked exit doors, elevators for multi-story buildings, and evacuation plans.

Water Fountain includes existence of a public water fountain and its compliance with ADA standards.

Restrooms includes public restrooms/fixtures and their compliance with ADA standards.

Subsequent to inspections the appropriate management personnel are notified in writing of ADA non-compliant buildings and facilities within their geographic or unit areas of responsibility. The specific facilities and buildings, corrective action required to bring facilities and buildings into ADA compliance, and an estimate of cost is forwarded along with the notification letter. Management personnel shall contact the ADA Coordinator once the facility and/or building is in ADA compliance.

Buildings and facilities are categorized in accordance with frequent public usage. The category determines the priority in which to bring buildings and facilities into ADA compliance. However, depending on frequency of public usage part of a facility or building may have a different priority status. Building and facility priority are categorized as high, medium, low and none (**Appendices 5, 6, 7, & 8**). Priority status may change at the discretion of NCDOT management.

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Priority grouping is as follows:

High, Priority 1: Buildings and facilities with extremely frequent public usage of programs and services to include but not limited to, rest areas, welcome centers, administration buildings, and DMV drivers' license buildings.

Medium, Priority 2: Buildings and facilities with moderate public usage of programs and services to include but not limited to, DMV vehicle registration and tag branch offices, Division Highway offices, and Right of Way offices.

Low, Priority 3: Buildings and facilities with infrequent public access to include but not limited to District offices, Division office annex, Equipment offices, Materials & Test labs, and Resident Engineer offices.

None, (Lowest) Priority 4: Facilities and buildings for which the public would have no public access needs include but not limited to bridge maintenance yards, county maintenance yards and weigh stations.

Note: Leased and donated buildings and facilities may include a requirement for the contract agreement to include ADA assurances. However, the acquisition of leased space falls under the responsibility of the North Carolina State Property Office. The Department works with State Property Office in all property/real estate matters. Failure to comply with ADA assurances may require program and service relocation or forfeiture due to breach of contract.

The Department's current physical plant inventory consists of 2,347 buildings: 1,996 Division of Highways, 193 Division of Motor Vehicles, 40 Ferry Division, 40 Global TransPark Authority, and 78 State Ports Authority.

State Owned Facilities: The Department's long-range Capital Improvements Program, developed biennially, provides for the construction or purchase of new buildings and the renovation, moderation, and expansion of the Department's physical plant. An important consideration in the design of new construction and/or renovation projects is the removal of barriers that restrict access by persons with disabilities to public programs, services and activities.

Leased Facilities: The Division of Motor Vehicles utilizes leased facilities to house some of its operations. The Department adheres to the North Carolina State Property Office's process concerning compliance with the requirements of the Americans with Disabilities Act.

Department of Transportation's Administrative Buildings: Administrative offices customarily engage the general public, business, and commerce and are required to provide access to people with disabilities. Administrative units that have programs aimed at specific commercial or business groups but do not normally have access to the general public can provide program access through accommodation without modifying facilities.

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Division of Highways: The Division of Highways has many programs relating to the highway system. Each program requires accessibility by the disabled with some requiring direct access to facilities while others may require program access through accommodations.

Privately Contracted Driver's License & Registration and Tag Agencies: All facilities in this category are operated by private contractors and require direct accessibility by people with disabilities. Therefore, contracts for the private operation of the agencies should include a clause that stipulates that the physical facility shall comply with ADA standards. If the private contractors cannot or will not comply, the Department and DMV must determine whether to close the offices permanently or relocate to facilities that comply.

Division of Motor Vehicles and the State Highway Patrol: The general public may not need direct access to facilities housing only DMV's License & Theft or the State Highway Patrol (a unit, which is under the authority of the Department of Public Safety but occupies many facilities maintained by NCDOT). Therefore, accommodations for individuals with disabilities are addressed on a case-by-case basis directed by the amount of public interaction. Employees working in these facilities can make requests for accommodations on an individual basis.

Warehouses, Accessory Buildings: Warehouses and accessory buildings used for the storage of supplies, materials, and equipment are restricted to internal business and do not require modification to comply with the Act. Approved reasonable accommodations will be provided on an individual basis for any personnel with a disability.

Truck Weigh Stations: The Department maintains fixed weigh stations that are operated by the State Highway Patrol for the enforcement of maximum highway weight limits and motor carrier safety regulations in the trucking industry. These facilities are restricted to truck traffic and official vehicles only and do not require alteration or modification. Approved reasonable accommodations will be provided on an individual basis for any personnel with a disability.

Ferry Division: The Ferry Division serves the general public and direct access to the facilities is warranted. The rest room facilities and operational facilities at the ferry docks require ADA compliance. The ferry boats will not be required to provide ADA standard rest rooms. To modify the existing ferry boats rest rooms would require rebuilding the ferry and would be an undue burden. The accommodation for the person with a disability that cannot use the rest room on the ferry is to provide the rest rooms at the dock or visitors' centers. Safety concerns may exist for a person in a wheelchair on the deck of a ferry. These issues will be addressed by the Ferry Division's management.

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SELF-ASSESSMENT OF PEDESTRIAN RIGHT-OF-WAY

NCDOT recognizes that a self-assessment of pedestrian right-of-way locations is a key element to a comprehensive and successful transition plan. The completion of this inventory of curb cuts / ramps allows us to clearly identify deficient pedestrian facilities and allows us to appropriately plan to address those deficiencies.

Between the dates of April 23, 2015 and May 22, 2015, the North Carolina Department of Transportation (NCDOT) conducted an inventory of all curb ramps on pedestrian facilities within NCDOT right of way to identify the level of compliance with the current Americans with Disabilities Act (ADA) standards. This inventory was performed using NCDOT and contract staff on all state owned routes for which our inventory records indicated the presence of curb and gutter shoulders.

Curb ramps are either cut into or built up to a curb and gutter section, and connect a pedestrian walkway to a crosswalk. ADA compliant curb ramps are an important part of making street crossings accessible to people with disabilities. Figure 1 depicts a compliant curb ramp with criteria marked.

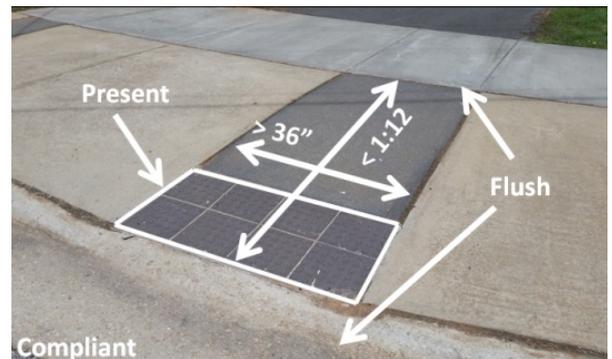


Figure 1: Typical Compliant Curb Ramp

Criteria

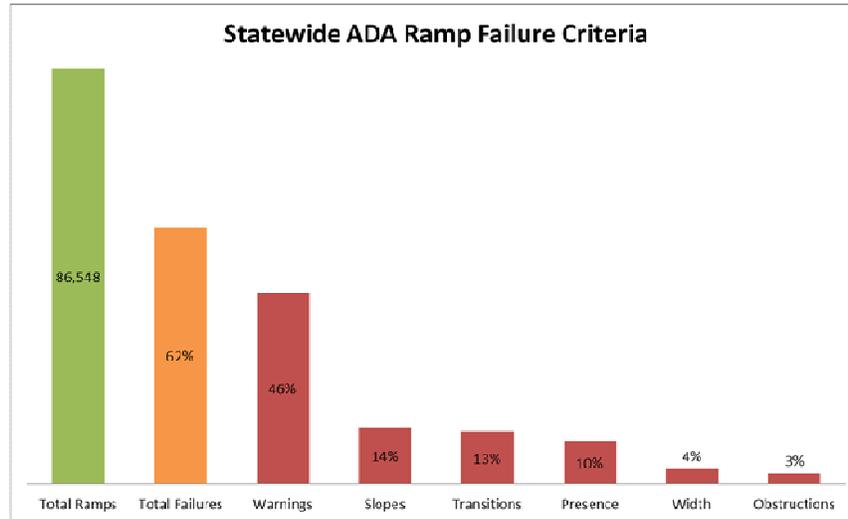
Table 1 lists the assessed criteria for a compliant ramp. A ramp must meet all of the listed criteria for the ramp to be considered compliant. These criteria were derived from the ADA Best Practices Tool Kit for State and Local Governments (2007) and represent the most critical criteria from which an action plan could be developed quickly.

| Criteria | Compliant | Non-Compliant |
|---|----------------|---------------------------------------|
| Ramp present? | Yes | Not present, but should be |
| Width | > 36" | < 36" |
| Slope | < 1:12 (8.33%) | > 1:12 (8.33%) |
| Transition between ramp and walkway or street | Flush/Smooth | Abrupt level change |
| Detectable Warnings | Yes | No (missing, damaged or insufficient) |
| Obstructed | No | Yes |

Table 1: Compliance Criteria

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Summary of Results



The key questions this inventory and assessment has attempted to answer are as follows:

- 1) Are curb ramps in the appropriate locations?
- 2) Do these curb ramps meet the current ADA requirements for compliance?

In regards to the first question, nearly 87,000 individual curb ramps were assessed statewide (**Appendix 13**), of which approximately 10% (8,890) were locations where curb ramps should exist, but currently do not.

In regards to the second question, the results of the statewide ADA curb ramp inventory and assessment indicate that of the nearly 87,000 curb ramps evaluated, 62% or nearly 54,000 curb ramps were found to be non-compliant. However, when the ramps were installed they were constructed to the latest standard at that date. While these results indicate a large proportion of the curb ramps on the Departments right of way are deficient, it should be noted that the majority of the curb ramps only failed a single criteria. One of the most prevalent failing criteria, lack of detectable warnings, did not become officially instated as a standard until July 2001. In response, the Department addressed this issue in a memo from the Chief Engineer, J.D. Goins, PE, on June 26, 2003 (**Appendix 14**).

Another contributing factor to the failure rate of our curb ramps is that our assessment teams were instructed to use a very aggressive approach in determining whether a curb

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ramp met the criteria. If ever in doubt, the assessment teams were to fail the ramp on the criteria in question.

NCDOT's history of commitment to the installation of curb cuts and ramps is evidenced through Memorandums (**Appendix 14**) from 1995 – 2003 from former Chief Engineer of Operations, J.D. Goins. The current inventory of curb cuts and ramps indicating that NCDOT has installed 90% of all needed cuts and ramps along the 80,000 miles of state maintained roads is clear indication of that commitment. The North Carolina Department of Transportation continues to comply with the requirements of the ADA, Section 504, and 19A NCAC 02D.0104 as it relates to curb-cuts on existing streets and highways by addressing specific modification requests on a priority needs basis. Individuals desiring a modification to an existing crosswalk location in order to meet ADA requirements may have the proposal formally reviewed and assessed by submitting a written request to the respective Division Engineer. The Highway Division then investigates the request to determine whether the location is eligible under the provisions of NCAC, if so, the Department will install curb cuts and wheel chair ramps meeting ADA specifications. There must be an existing sidewalk to merit consideration for ADA curb cuts and wheel chair ramps.

The Americans with Disabilities Act requires that the NCDOT maintain or cause to be maintained any highway project constructed with federal funding. Federal regulations implementing ADA specifically require that a “public entity shall maintain in operable 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).

In North Carolina, NCDOT is authorized and directed by state law to establish guidelines to ensure that minimum requirements for curb ramps or curb cuts are met in initial construction and whenever curbs are reconstructed including reconstruction for maintenance procedures and traffic operations, repair or correction of utilities (G.S. § 136-44.14). NCDOT has established a policy directing that local governments are responsible for maintaining all pedestrian facilities. NCDOT utilizes municipal agreements that include maintenance for pedestrian facilities to ensure sidewalks and related rights-of-way are maintained.

The NCDOT policy and procedures manual Chapter 28-1 specifically addresses these agreements: “MAINTENANCE . . . Local governments are responsible for maintaining all pedestrian facilities. The Municipal Agreement will formally specify that the DOT is not responsible for maintaining pedestrian facilities.” Typical language in municipal agreements include the following “The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the sidewalks and release the Department from all liability relating to such maintenance.”

The NCDOT ADA program has established a process for monitoring subrecipient municipalities to ensure they have ADA transition plans as required, make satisfactory

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progress in the implementation of their transition plans, and maintain pedestrian rights-of-way. This monitoring process is detailed under the “Sub-Recipient” section of this document.

SELF-ASSESSMENT OF COMMUNICATIONS

NCDOT conducted a self-assessment of its communications to include telecommunications and its websites.

TELECOMMUNICATIONS

The NCDOT supports the ADA, Title IV Telecommunications, and section 401 of the Communications Act of 1934. Section 401 addresses the telecommunications relay services for the hearing-impaired and speech-impaired individuals. The Federal Communications Commission is responsible for enforcing Title IV to ensure that telecommunications relay services are provided nationwide.

The Department of Transportation along with all state agencies is accessible through Relay NC. This relay service provides telephone accessibility to people who are deaf, hard-of-hearing or speech-disabled by dialing 711. Relay NC is available 24 hours a day, 365 days a year, with no restrictions on the number of calls placed or on their length.

In addition, in order to provide equal access a public accommodation is required to make available appropriate auxiliary aids and services where necessary to ensure effective communication. For individuals with vision impairments, appropriate auxiliary aids include qualified readers, audio recordings, brailled materials, large print materials, taped texts and assistance in locating items.

Auxiliary aids and services include: 1) qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assisting listening devices and systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; 2) acquisition or modification of equipment or devices; and 3) other similar services and actions.

Documents provided by public entities are subject to the requirement of effective communication. Thus, where a public entity provides information in written form, it must, when requested, make that information available in an accessible format to individuals with vision impairments. When an auxiliary aid or service is required, the public entity must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice.

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NCDOT references providing auxiliary aids upon request in its ADA policy statement and in all public meeting notices.

NCDOT INTERNET

NCDOT is required to provide effective communication, regardless of whether they generally communicate through print media, audio media, or computerized media such as the Internet. Covered entities that use the Internet for communications regarding their programs, goods, or services must be prepared to offer those communications through accessible means as well.

NCDOT, Information Technology, developed a plan of action for internet accessibility compliance. The plan of action is addressed in Section III, entitled “Transition Plan”, of this document.

SELF ASSESSMENT OF SUB-RECIPIENT MONITORING

NCDOT has the responsibility to monitor sub-recipients of federal-aid highway funds to ensure their compliance with Title II of the ADA and Sec. 504 of the Rehab Act with respect to both federal and state funded projects and programs that the sub-recipients implement.

Under ADA (28 CFR § 35.130(b)(1)(v)), “A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability . . . (v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program”

Similarly, the regulations implementing Section 504 of the Rehabilitation Act of 1973 (49 CFR § 27.7(b)(1)(v)) provides that as a recipient of FHWA funds, NCDOT “in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability . . . (v) Aid or perpetuate discrimination against a qualified handicapped person by providing financial or other assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the recipient’s program or activity”

NCDOT has defined major municipalities as those with 50 or more employees. Municipalities with 50 or more employees must have a Transition Plan. To determine those municipalities that meet this definition, NCDOT has identified approximately 21

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municipalities in North Carolina with populations over 40,000. By September 30, 2015, NCDOT will survey these municipalities to determine:

- whether the municipality has 50 or more employees; and if so
- whether the municipality has an ADA Transition Plan; and if so
- whether the municipality is implementing the transition plan.

Based on the results of that survey, the NCDOT ADA program will provide technical assistance and monitoring to the major municipalities as defined above. NCDOT will first focus on those municipalities with no existing transition plan then will focus on those with a plan and will include the following:

1. Municipalities with no ADA Transition Plan will be offered technical assistance on the FHWA requirements for the plan as well as consultation on the process of developing a plan.
2. Municipalities with an established transition plan will be reviewed for compliance to determine that the plan meets FHWA and USDOJ minimum requirements and that the plan is being implemented.

The NCDOT ADA and Title VI programs will collaborate regarding the process and implementation of program reviews. Reviews will be coordinated to the extent possible and ADA will follow the same timeline the Title VI program follows: conducting compliance reviews on each municipality once every four years.

NCDOT monitors sub-recipients for compliance with ADA and 504. Compliance reviews are conducted in conjunction with Title VI compliance reviews of sub-recipients. These reviews are conducted by the External Civil Rights Section. Metropolitan Planning Organizations (MPOs) and Rural Planning Organizations (RPOs) are monitored every four years and transit sub-recipients are monitored on a triennial basis to determine the effectiveness of activities and services at all levels. To ensure compliance, sub-recipients must be able to demonstrate that services are being provided on an equitable basis and that people with disabilities are provided services. Sub-recipients are required to provide documentation outlined in a review checklist, processes, and procedures to determine compliance with ADA/504 (**Appendix 10**). This documentation is necessary to substantiate ADA/504 monitoring and compliance determinations. During a compliance review, sub-recipients are required to address the entire compliance process including, but not limited to, ADA/504. The reviews include an examination of the sub-recipients' adherence to ADA/504 requirements. Transition Plans that are submitted during this review process will be forwarded to the ADA Office for review and approvals.

Highway construction contractors are also monitored to ensure reasonable accommodations are provided to employees per FHWA 1273. Training has also been provided to ensure sub-recipients are aware of the requirements of ADA/504.

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III. TRANSITION PLAN

NCDOT is responsible for demonstrating its programs, services, and activities are provided without discrimination. In order to accomplish this, the NCDOT must show how it plans to address any deficiencies discovered during the self-assessment process. A plan of action is set forth in the following transition plan section to address those deficiencies. The Department also outlines a process for managing the transition plan moving forward. There are plans of action for buildings and facilities, pedestrian rights-of way and the NCDOT internet presence.

LIST OF PHYSICAL BARRIERS

The list below identifies the type of physical barriers an inspection of facilities may yield. The inspection form provides a space with comments for each barrier.

| | |
|--|---|
| <ul style="list-style-type: none"> Parking <ul style="list-style-type: none"> Number of spaces required Location and size of spaces Aisles of access Signage Van spaces Access <ul style="list-style-type: none"> Curb cuts Ramps Handrails Slope Entry Door <ul style="list-style-type: none"> Landing Door clear opening Door hardware Door pull Vestibule size Public Service Areas <ul style="list-style-type: none"> Desk height service counter Unobstructed corridor width Interior door hardware Interior door clear opening Blocked exit doors Elevators Evacuation plan | <ul style="list-style-type: none"> Drinking Fountains <ul style="list-style-type: none"> (when furnished to the public) Clear floor space Knee space Spout height Fountain controls Restrooms <ul style="list-style-type: none"> (when furnished to the public) Entry door clear opening Door hardware Toilet/urinal location Clear floor space for toilet/urinal/sink Toilet grab bars Toilet/urinal/sink height Urinal/sink knee space Sink controls Mirror/towel dispenser height |
|--|---|

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METHODS OF BARRIER REMOVAL & COSTS

The methods used to remove the above listed barriers may include one or several solutions. Solutions include:

- Paving and striping of the parking lot
- Relocating and or striping of handicap and van spaces
- Installation of correct signage
- Installation or re-installation of curb cuts and ramps
- Installation of level entry landing
- Replace or update doors or vestibules
- Install desk height service counters
- Re-route public traffic to eliminate narrow or blocked corridors
- Install new water fountains
- Remodel restrooms as needed
- Construct unisex restroom
- Relocate restroom fixtures
- Construction of new building to serve needed program
- Construct addition to facility to serve needed program
- Relocate program to accessible building

Barrier removal unit cost was estimated in 2011 and used with listings in **Appendices 5 through 8**. The unit cost estimates are conservative figures regardless of whether the cost is replacement of the barrier and/or labor cost to adjust the barrier.

The timetable for barrier removal is based on building priority status. Under optimum financial conditions high priority buildings and facilities will be completed in the first year, medium priority buildings and facilities in the second year, low priority buildings and facilities in the third year, and none (lowest) priority buildings and facilities in the fourth and fifth year of the Transition Plan. Total cost of barrier removal is referenced in **Appendix 9**.

BUILDING AND FACILITIES ACTION PLAN

Facilities Design, NCDOT Facilities Management, previously detailed a plan of action to address an ADA building and facility process for structural modifications. This plan will be used as a starting point for moving forward from the time of this current Transition Plan update and new timelines will be established. Highlights of this plan are outlined here.

- All projects are divided in four major groups: DMV Facilities, Rest Area Facilities, DOT Administrative Facilities, and DOT Highway Divisions Facilities. Coordination meetings will be scheduled with a representative of each group. Through coordination with

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NCDOT facilities management and other needed personnel appropriate representatives from each group will be chosen to move this action plan forward.

- Information requests forms have been compiled for every building by the asset number, as listed in State Property Database. The multi-story administrative buildings (Highway, Rainey) will be grouped by their functional location numbers.
- Information request forms will be distributed via group coordinators to respective facilities maintenance personnel for collecting field information, mostly by submitting photos of areas that require a corrective action. Previously some sites were directly surveyed by facilities management staff and this process may continue in future data collection. Additional information in form of dimensions, sketches, existing floor plans, etc. will be submitted as required. All information is being submitted to Alex Shapiro, Project Coordinator.
- Upon receiving all field information, the appropriate personnel will determine the final design for each retrofit, provide a timeline for each project and compile a budget estimate for design and construction. This estimate will allow a final evaluation of the projects, to insure that all projects can be completed within the budget allocated.
- When the design phase for all projects is completed projects will be submitted for State Construction Office review (the Authority Having Jurisdiction – AHJ) individually or as a group, with a separate set of design documents issued for each project. Technically, ADA work does not fall under SCO, since it is Federal, but SCO has opted to review ADA compliance as part of their overall code review, since they are the only AHJ for state properties.
- After SCO approval and depending on the size of the project, there will be another coordination meeting for each major group of projects on preparation for bids and construction or the project may be forwarded directly to the field personnel for the work to be completed. Minority participation in bids will be coordinated with the HUB coordinator with the Business Opportunity & Workforce Development Unit, NCDOT. It will be determined at that time which projects will be bid and which will be done with in-house forces, and, in each case, how to set up the SAP based work order so the final work is documented electronically in the maintenance “memory” of the asset.
- The projects’ field work, and construction work, will be entered into SAP vs the Plant Maintenance Module. This will allow related documents to be attached, such as the compliance statement. Facilities Design staff and the Client (EOWS-ADA) should have “viewing rights” to the electronic asset information.

The identified ADA upgrades (**Appendix 4**) fall into three categories depending on the estimated project cost and whether outside designer services will be required to complete

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the upgrade. The schedule for completing the repairs and renovations necessary to bring all facilities into compliance with current ADA standards is as follows:

| Category | Definition | Timeline |
|----------|--|---|
| 1 | ADA upgrades that can be designed with internal staff with an estimated project cost of ≤\$100k. | 12 – 15 months (October 1, 2016): Staff to field verify survey results, prioritize, design ADA upgrades, submit to SCO for approval, and oversee construction. The inventory in this category consists of DMV and Rest Area facilities. |
| 2 | Projects requiring the acquisition of outside designer services because of scope of services or complexity of upgrades. | 6 – 12 months (July 1, 2016): Advertise a solicitation of designer services to survey DOT Administrative, DOH & Ferry inventories, identify ADA upgrades and provide cost estimates. Believe that we have adequate funds for these professional services. Will utilize data in future budget requests for completion of ADA upgrades. |
| 3 | Facilities where the estimated cost of the upgrades is cost-prohibitive and for which guidance must be obtained from State Construction Office and FHWA. | To be handled on a case-by-case basis in consultation with State Construction Office and FHWA. |

There are a total of 192 ADA upgrade projects 100 of which are category 1 projects and 92 are category 2 projects (**Appendix 4**).

PEDESTRIAN RIGHT-OF-WAY ACTION PLAN

The statewide ADA curb ramp inventory (**Appendix 13**) and assessment indicate that of the nearly 87,000 curb ramp locations evaluated, 62% or nearly 54,000 curb ramps were found to be non-compliant. However, when the ramps were installed they were constructed to the latest standard at that date. While these results indicate a large proportion of the curb ramps on the Departments right of way are deficient, it should be noted that the majority of the curb ramps only failed a single criteria. One of the most prevalent failing criteria, lack of detectable warnings, did not become officially instated as a standard until July 2001. In response, the Department addressed this issue in a memo from the Chief Engineer, J.D. Goins, PE, on June 26, 2003. (**Appendix 14**) Another contributing factor to the failure rate of our curb ramps is that our assessment teams were instructed to use a very aggressive approach in determining whether a curb ramp met the criteria. If ever in doubt, the assessment teams were to fail the ramp on the criteria in question.

The scheduled resurfacing included in the three year Highway Maintenance Improvement Plan will address 2,320 of the missing ramps identified in the inventory. (Appendix 13)

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We are in the process of working out a plan to address the remaining 6,570 missing ramps through a safety project that would be completed within five years (2020).

The Department also plans to address other deficiencies during our scheduled resurfacing program. The current three year schedule can be found at this link: <https://connect.ncdot.gov/resources/Asset-Management/Pages/HMIPDIV.aspx>

INTERNET ACTION PLAN

NCDOT.gov is the public's gateway to the North Carolina Department of Transportation. It is the first resource most people turn to when seeking information about renewing vehicle registrations, renewing drivers' licenses, reporting a pothole, or finding out how their tax dollars are being spent on roads in their communities. In addition, it serves as a source for employee related information for NCDOT personnel. Due to its public focus, Section 508 requires the site to be accessible to people with disabilities.

The internet plan of action (**Appendix 11**) addresses Section 508 Accessibility deficiencies identified in a FHWA assessment of NCDOT.gov website conducted in September 2011. This plan of action was developed as part of the NCDOT Website Redesign and Restructuring (NWRR) Project. The goal of the project is to reorganize and redesign the content and structure of the entire NCDOT.gov website from a business department organization to a task-oriented structure. This effort will involve developing all new webpages for the site. The project's estimated completion date is July 31, 2016. Given this, accessibility compliance will be addressed in the new site only. However, the project will use the results of the 'current state' report to ensure the design and development of the new site addresses current compliance issues.

TRANSITION PLAN MANAGEMENT

NCDOT's Transition Plan is a living document that will be updated routinely. The NCDOT ADA program will be reporting to the Federal Highway Administration on an annual basis which will facilitate regular Transition Plan status updates. The ADA Program will continue to work closely with necessary departments throughout NCDOT to monitor the progress of ADA compliance efforts and ensure the plan is kept up to date to reflect those efforts. The NCDOT will maintain an up to date Transition plan on its ADA Program webpage and will have an official updated Transition Plan each 3 years. The NCDOT will continue to work with disability organizations, the general public and other interested parties to ensure we include any feedback and input regarding ADA compliance in any of its facilities or programs.