

**Delaware Department of Transportation
ADA Self-Assessment and
Transition Plan**



May 2014

(Adopted)

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Message from the Secretary

May 2, 2014

Dear Citizens of Delaware;

It is my privilege to share with you the Americans with Disabilities Act (ADA) Title II Transition Plan for the Delaware Department of Transportation (DelDOT). This document is the result of a collaborative effort among DelDOT staff, stakeholders, and advocate representatives.

The Department of Transportation pledges to provide full accessibility to all areas of its business activities. DelDOT and its leadership are dedicated to upholding the intent and spirit of the Americans with Disabilities Act (ADA) of 1990 and section 504 of the Rehabilitation Act of 1973, to the maximum extent feasible. Our promise extends to all programs, services, and activities of DelDOT, whereby no qualified individual with a disability shall be discriminated against on the basis of his or her disability. DelDOT is fully committed to achieving the goal of equal opportunity and nondiscrimination for all persons in their interactions with DelDOT.

As Secretary of the Department of Transportation, I make this personal vow to the citizens of Delaware – that DelDOT will uphold the vision and policies presented in this Plan. I recognize that our success at making our transportation system fully accessible depends on the coordinated efforts of all levels of government, the public, and the policies and strategies outlined in the Plan. DelDOT will continue to work with its citizens, stakeholders, and partners in the implementation of this Plan, future updates to the Plan, and policy decisions affecting accessibility. Together, we can achieve our common goal of safe, accessible, efficient, and sustainable transportation that provides full accessibility for everyone.

Sincerely,



Shailen P. Bhatt
Secretary
Department of Transportation

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Chapter 1: Introduction

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a Federal Civil Rights law prohibiting discrimination against individuals on the basis of disability. The ADA consists of five titles providing protections in the following areas:

- Title I - Employment
- Title II - State and Local Government Services
- Title III - Public Accommodations
- Title IV - Telecommunications
- Title V - Miscellaneous Provisions

Title II of ADA pertains to the programs, activities, and services provided by public entities, such as State departments of transportation. As a provider of public transportation services and programs, Delaware Department of Transportation (DelDOT) must comply with this section of the Act as it specifically applies to state public service agencies and state transportation agencies. Title II of ADA provides that, "...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity" ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#)). A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. In other words, a public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. Facilities include not only DelDOT buildings but also facilities used to conduct public workshops, as well as buses, bus stops, sidewalks, etc.

DelDOT's goal is to provide accessible state-owned transportation programs and systems including all transportation facilities located in the state-owned right-of-way for all persons living in, working in, or traveling in Delaware. This goal includes transportation facilities that are owned by the State of Delaware and maintained by other units of government.

Relationship to Other State of Delaware ADA Activities

The State of Delaware has several councils and boards which address the needs of individuals with disabilities across their lifespan. Membership includes persons with disabilities, family members, advocacy organizations, service providers, and state agencies. Their mission is to propose and promote legislation, regulations, and policies to improve the lives of persons with disabilities. These councils provide important feedback and invaluable real-life experience regarding how persons with disabilities use State facilities, programs, and services, including DelDOT's, and provide guidance regarding improvements that are needed. Such councils include the State Council for Persons with Disabilities (**Appendix A**), Developmental Disabilities Council, and the Governor's Advisory Council for Exceptional Citizens. In addition, the Elderly and

Disabled Transit Advisory Committee (EDTAC) provides advice regarding the transportation programs and services provided under the Delaware Transit Corporation (DTC). Finally, the Architectural Accessibility Board reviews the standards for the design and construction of all state-owned facilities, and facilities constructed or altered with State funds, to ensure that the built environment regarding these facilities is safely accessible to, and usable by, persons with disabilities.

Transition Plan Need and Purpose

The Transition Plan, as required by 28 CFR 35.150 (d), must include at a minimum, the following:

- Identification of the physical barriers that limit accessibility to the public entity's programs, services, or activities for people with disabilities,
- Description of the methods to be used to make the facilities accessible,
- A schedule for making the necessary modifications, including a yearly schedule and,
- The name and contact information for the public official responsible for implementation of the Transition Plan.

As required by Title II of [ADA, 28 CFR, Part 35 Sec. 35.105 and Sec. 35.150](#), DeIDOT has conducted a self-evaluation of its policies, services, activities, and buildings, and has completed an assessment of its pedestrian facilities. DeIDOT has developed this Transition Plan to lay out the actions that will be taken to render the State's transportation facilities, services, programs, and activities accessible to all individuals.

The purpose of this Transition Plan document is to present the Department's Self-Evaluation and identify the actions DeIDOT will take in order to transition the transportation system in the State of Delaware to be accessible in compliance with the requirements of the Americans with Disabilities Act.

Transition Plan Management

This Transition Plan is intended to be a dynamic document that will be reviewed periodically and updated as needed to keep pace with changes in standards and system conditions. The reviews will occur annually in order to provide the information necessary for documenting progress toward achieving the goal of having a fully accessible system and in order to create the work program for the ensuing year as described further in this document under the heading "Progress Monitoring and Reporting". A formal review and update of the ADA Title II Transition Plan will occur every five years. The implementation of this Transition Plan will continue until all deficiencies, including those associated with pedestrian facilities, are compliant. The program is expected to continue after that for future plans and construction projects, maintenance, etc. To streamline Plan updates and keep the document current and relevant, appendices will be updated annually if new information is available and such information does not alter the intent of the Transition Plan. When an appendix update is

found to alter the intent of this Transition Plan, the appendix and affected section(s) will be opened for public review and comment. This anticipated review schedule may be altered as needed in response to changes in guidance from the United States Access Board, Federal policy, and DeIDOT policy. DeIDOT's Transition Plan is available for continual public review through DeIDOT's Website. <http://ada.deldot.gov>.

The ADA and Its Relationship to Other Laws

Title II of ADA is companion legislation to two previous Federal statutes and regulations: the [Architectural Barriers Act of 1968](#) and [Section 504 of the Rehabilitation Act](#) of 1973.

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered, or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive Federal funding.

When addressing accessibility needs and requirements, it is important to note that ADA and Title II do not supersede or preempt state or local laws that may offer equivalent or greater protections.

Under Title II, State Departments of Transportation including DeIDOT must:

- Operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities ([28 C.F.R. Sec. 35.150](#)).
- Not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability ([28 C.F.R. Sec. 35.130 \(a\)](#)).
- Make reasonable modifications to policies, practices, and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result ([28 C.F.R. Sec. 35.130\(b\) \(7\)](#)).
- Not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective ([28 C.F.R. Sec. 35.130\(b\)\(iv\) and \(d\)](#)).
- Take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others ([28 C.F.R. Sec. 35.160\(a\)](#)).
- Designate at least one responsible employee to coordinate ADA compliance [[28 CFR § 35.107\(a\)](#)]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [[28 CFR § 35.107\(a\)](#)].

- Provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [[28 CFR § 35.106](#)]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [[28 CFR § 35.107](#)].
- Establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 CFR § 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the Federal complaint process.

DeIDOT's Compliance History

Following the passage of ADA on July 6, 1990, DeIDOT took initial steps to identify and address Title II requirements. At about the same time, the Delaware Department of Administrative Services conducted an assessment of all state-owned and leased properties to identify barriers to be corrected by the individual agencies.

From 1992 to 1999, DeIDOT's ADA efforts were largely decentralized, focusing primarily on reasonable accommodation for employees and transit, with compliance and oversight being the responsibility of individual offices and programs. In 1999, DeIDOT's efforts to implement the ADA requirements, with regard to the removal of pedestrian barriers, were reviewed by the US Department of Justice. Subsequently, DeIDOT entered into an agreement with the US Department of Justice regarding actions that DeIDOT would take to help ensure the transition to a fully accessible system was completed. A copy of the agreement is included in **Appendix B**. The intention was that while the ADA retrofit requirements identified in the DOJ Settlement were being applied to the existing system, DeIDOT would meet compliance with all new construction and reconstruction projects. During this time DeIDOT did not maintain a centralized Transition Plan.

DeIDOT's subsidiary, the Delaware Transit Corporation (DTC), also known as DART First State, has continuously conducted various levels of ADA Training since 1997 as appropriate to job functions. ADA training includes staff throughout the corporation and continues on a regular basis. Most training is delivered by internal staff, but on multiple occasions the instructor has been nationally recognized ADA Transit expert, Russell H Thatcher.

In 2001, the buildings and related structures that are under the jurisdiction of DeIDOT were surveyed, and those elements representing architectural barriers to persons with disabilities were identified and documented in written reports. These reports are too large to be incorporated into this document except by reference. Similar work was done with regard to the Transit System. The reports from these efforts are available for review at DeIDOT. Arrangements for reviewing these documents can be made through DeIDOT's ADA Title II Coordinator.

In 2001, ADA became a point of focus with the Access Board's issuance of the draft rules for public rights of way and the expiration of the moratorium on detectable warning surfaces. DeIDOT provided comment to the draft rules in October of 2001 but only became aware of the detectable warning requirement in July of 2002 through a Federal Highway Administration (FHWA) memorandum. A revised standard detail which included detectable warning systems was issued in 2003 and has been required in new construction, reconstruction, and alterations since 2003. In 2002, the Access Board issued a draft set of rules, titled Public Rights of Way Accessibility Guidance (PROWAG). In 2005, the Access Board issued a second draft, and in 2006 FHWA issued a memorandum directing States to use this draft as best practices. The lifting of the detectable warning systems moratorium and the publication of PROWAG was the first new guidance affecting public rights of way since the initial passage of ADA in 1990.

In 2006, an internal DeIDOT ADA working committee was formed. The workgroup included representation from the FHWA and key areas of DeIDOT including: Planning, Maintenance and Operations, Traffic, Office of Information Technology, Transportation Solutions, DART, and Legal. The primary task of this group was to systematically evaluate the Department's progress with regard to complying with the requirements of the ADA and provide guidance to DeIDOT management regarding accessibility program needs. The product of this group was a briefing paper completed in 2007. The recommendations incorporated in that briefing paper were transmitted to the Cabinet Secretary.

In 2007, DeIDOT updated its policy and procedures to more effectively respond to requests for Accessible Pedestrian Signals (APS). Currently DeIDOT responds to individual requests for APS installations. DeIDOT's APS guidelines and request form are available at <http://ada.deldot.gov> or through the ADA Title II Coordinator.

In November 2010, FHWA conducted a Civil Rights Assessment to review the agency's Title II compliance and determine needs in this area as part of a larger assessment of the Department's Civil Rights responsibilities. One of the conclusions of this assessment, as noted in previous similar assessments, was that DeIDOT had not completed the Self-Evaluation and had not completed the Transition Plan required by Federal law. As a result of the assessment, DeIDOT took the following actions:

- Designated an Interim ADA Title II Coordinator in 2011, and hired a full time ADA Title II Coordinator in 2012.
- Appointed a Work Group tasked with completing the Transition Plan including the Self-Evaluation. **(Appendix C)**
- Drafted a Notice of Non-Discrimination to provide information about the rights and protections of ADA to employees and applicants, as well as participants and users of DeIDOT services, programs, and activities.
- Identified the State grievance/complaint process as the process DeIDOT would use until it develops its own grievance/complaint policy to address or correct user

concerns related to inaccessible transportation programs, services, or facilities that are under DeIDOT's jurisdiction.

- Completed a Self-Evaluation of DeIDOT's programs and services in June 2012. This is covered in more detail in Chapter 2 of this document.

Program Location and Staffing

Managing and implementing the DeIDOT ADA Transition Plan requires a multidisciplinary approach encompassing policy development, public involvement and outreach, technical support for project development, maintenance expertise, operations expertise, and progress monitoring and reporting. These responsibilities, required by [28 CFR § 35.107](#), had not historically been the sole responsibility of any one individual on a daily basis but were addressed on an as-needed or ad hoc basis within DeIDOT. With the hiring of a full time ADA Title II Coordinator, DeIDOT demonstrated its commitment to the ADA program and monitoring compliance with all ADA laws and regulations.

The ADA Title II Coordinator is located in the Civil Rights Section under the direction of the Technology and Support Services Division and reports to the Civil Rights Administrator. The ADA Title II Coordinator is responsible for developing policies and procedures to integrate Title II requirements into DeIDOT practices to ensure that the obligations of the ADA and the Transition Plan are met. Additionally, the ADA Coordinator is responsible for tracking the overall progress of the implementation of the Transition Plan. The responsibilities of the ADA Title II Coordinator are described more fully in the Statement of Responsibility of ADA Title II / Section 504 Coordinator section below.

Grievance Procedure

The Americans with Disabilities Act affords users of public facilities and services the right to file a grievance if they believe they have not been provided reasonable accommodation. The ADA requires ([28 CFR § 35.107](#)) that DeIDOT adopt a Grievance Procedure. DeIDOT has adopted a Grievance procedure which can be found on DeIDOT's Website <http://ada.deldot.gov>. The Website provides details on how to file a complaint. **Appendix D** of this report includes additional contact information for filing ADA Title II grievances.

Communications

According to [Section 28 CFR § 35.160\(a\)](#) of the ADA, "...A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others." This means that DeIDOT is required to provide equally effective communication to individuals with disabilities. Equally effective communication can be provided by offering alternative formats, auxiliary aid(s), and/or services upon request. For example, interpreters are hired by DeIDOT as requested for the individuals with hearing loss, and text materials

that are accessible by screen readers are made available to users. The availability of these services is referenced in DeIDOT's public notices.

Website Communications

DeIDOT's departmental Websites currently comply with the Federal Accessibility Act of 1998 Section 508 Guidelines, which may be accessed at www.section508.gov and the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG) 1.0 level A available at www.w3.org/TR.1999/WAI-WEBCONTENT-19990505. Although Websites are not specifically addressed under Title II, citizen services that fall under Title II may be provided online, thus the need for accessibility.

Public Involvement

DeIDOT believes that broad public participation is essential to the development of Delaware's transportation system. As required by the ADA and DeIDOT's public participation policy, any public meeting, hearing, or comment period held by DeIDOT is accessible. Upon request, DeIDOT provides qualified interpreters and will provide documents in an accessible electronic format or other alternative formats, such as large print or Braille. All public notices are required to contain contact information for accommodation requests, and the means by which special accommodations can be requested are indicated on the meeting notice. Public meetings, training opportunities, programs, and other events are required to be in an accessible location. One of the recommendations from the Civil Rights Assessment was that DeIDOT needs a Department-wide official policy that describes the process to notify the public and other interested parties that auxiliary aids are available upon request. DeIDOT is currently modifying its policy to address this need.

Notice of Non-Discrimination

In accordance with the requirements of Title II of the ADA, DeIDOT has developed a Notice of Non-Discrimination which is included as **Appendix E**.

Designation of an ADA Title II 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.

The State of Delaware has an ADA Coordinator. However, FHWA has recommended that DeIDOT also designate an ADA Title II Coordinator in recognition of the specialized knowledge required to address some of the issues that are likely to arise related to the

transportation system in Delaware, especially in regard to Title II. Therefore, DeIDOT has agreed to designate a person to serve in this capacity. DeIDOT hired a full-time ADA Title II Coordinator in May, 2012. The ADA Title II Coordinator's contact information may be found in **Appendix D**.

Statement of Responsibility of ADA Title II / Section 504 Coordinator

The ADA Title II / Section 504 Coordinator is charged with the responsibility of ensuring the agency's compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and the 2010 ADA Standards for Accessible Design. ADA Title II / Section 504 Coordinator responsibilities include:

- Monitoring DeIDOT's current policies and practices for implementing ADA Title II / Section 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 Title II / Section 504.
 - Reviewing the use of established procedures to ensure that requested auxiliary aids are provided for persons with disabilities.
- Monitoring DeIDOT's ADA Title II / Section 504 Transition Plan to ensure that all DeIDOT facilities remain in compliance with applicable accessibility standards.
- Conducting and documenting annual reviews of ADA Title II / Section 504 Transition Plan implementation progress.
- Preparing a report of ADA Title II / Section 504 accomplishments and concerns for the FHWA Annual Assurance Report.
- Collaborating and coordinating with the heads of major DeIDOT divisions and other State agencies to enable ADA Title II / Section 504 compliance efforts.
- Establishing and maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations.
- Providing ADA Title II / Section 504 training programs for DeIDOT staff and consultants.
- Monitoring the preparation of ADA Title II / Section 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 Title II / Section 504 discrimination when found to exist.
- Maintaining a "Technical Infeasibility" waiver documentation process and record keeping system.
 - Reviewing requests for waivers on the grounds of technical infeasibility.
 - Updating and maintaining a database of approved "Technical Infeasibility" waivers.

DTC's ADA compliance as it relates to services provided to the community is currently handled through the office of DTC's ADA Compliance and Eligibility Manager. The ADA Compliance and Eligibility Manager coordinates with all sections of DTC, as well as with DeIDOT's ADA Title II Coordinator, as necessary to address issues.

Chapter 2: Self-Evaluation of Existing Conditions

DeIDOT provides a variety of programs and services to the public through nine functional Divisions. In conducting the Self-Evaluation, DeIDOT has taken a comprehensive approach by identifying the facilities, services, programs, and activities it offers and then analyzing each to discover the extent to which each program and service is accessible.

DeIDOT's goal is to provide accessible state-owned transportation programs and systems including all facilities located in the state-owned right-of-way for all persons living in, working in, or traveling in Delaware. The Self-Evaluation of the buildings, transportation facilities, programs, services, policies, and activities that are owned by the State of Delaware and entrusted to DeIDOT has identified where accessibility concerns exist. This Self-Evaluation has been completed and is presented in this document in summary form. The information provided by this evaluation is the basis for the actions identified later in this document in Chapter 3. These actions are needed to bring buildings, roadways, pedestrian facilities, programs, and policies into compliance with ADA standards. DeIDOT will plan and act to ensure that the buildings, pedestrian facilities, programs, services, policies, and activities are fully accessible.

The Department's facilities, services, programs, and activities are organized in this Transition Plan under the following headings:

- Buildings
- Design standards
- Pedestrian facilities
- Transit system
- Rest areas
- Driver and motor vehicle licensing
- Toll facilities
- Public information and involvement
- Project development and construction
- Maintenance
- Policies
- Staffing
- Funding

Existing Conditions

Buildings

The buildings and office space occupied by DeIDOT are owned by the State of Delaware and managed by three different State agencies depending on the building or office space in question. Those agencies are the Office of Management and Budget (OMB), the Delaware Transit Corporation, and DeIDOT. The *Americans with Disabilities Act Accessibility Guidelines (ADAAG)*, were adopted by the United States

Architectural and Transportation Barriers Compliance Board (“Access Board”) and became the Standards to which DeIDOT’s office space and buildings must conform. These standards have been in place since 1990. The ADAAG Checklist for Buildings and Facilities was used as a tool during the DeIDOT Facilities/ADA Site Inspections to assist in providing accessibility. The original ADA Title II inspections were done during 2001.

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

Office Buildings

The DeIDOT Administrative Office building in Dover is managed by OMB, as is the office space occupied by DeIDOT in the Carvel Office Building in Wilmington. OMB reviewed these buildings for conformity to the ADA Standards and made some modifications in the 1990’s and again in the 2003-2004 time periods.

The Delaware Transit Corporation owns and manages all office buildings and maintenance facilities for DART throughout the state. DTC also owns and manages all Park and Ride locations and bus stops throughout the state. DTC’s facilities are addressed under the heading “Transit System”.

The DeIDOT offices located in Bear, New Castle County / Chapman Road, Dover/Central District, and Georgetown are managed by DeIDOT. Each has a maintenance yard and/or shop associated with it, and the entire set, including all of the maintenance yards, are managed within DeIDOT. Information regarding these facilities is included in this document under the heading “Maintenance Yards”.

In addition, the Division of Motor Vehicles (DMV) service center locations, the Rest Areas (Smyrna and the I-95 Welcome Center), and the Toll facilities are addressed under their own headings in this document.

Maintenance Yards

In 2001, DeIDOT, with the assistance of a consulting firm hired by DeIDOT, conducted ADA compliance inspections of all of the Department’s existing facilities including the Department’s Headquarters, District offices, Maintenance Yards, and the Smyrna Rest Area to identify accessibility deficiencies and to offer appropriate solutions in order to meet the State’s obligations under the ADA. DeIDOT has implemented the recommendations of this assessment. This assessment is too large to be incorporated into this document, but it is available for review upon request to the DeIDOT ADA Title II Coordinator.

Design Standards and Practices

All projects designed by, or for, DeIDOT are governed by several adopted design standards that have been reviewed for compliance with ADA standards. These standards include:

- DeIDOT Road Design Manual
- DeIDOT Standard Construction Details
- DeIDOT Standards and Regulations for Sub-division Streets and State Highway Access
- Manual on Uniform Traffic Control Devices (MUTCD-DE)

These standards are reviewed on a routine basis and as national standards are changed and modified to ensure that the standards by which projects are designed and constructed are ADA compliant.

Pedestrian Facilities

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 similar barriers to entry from a street level pedestrian access route. Public entities must also install curb ramps within existing sidewalks that are not otherwise being altered.

The transportation system in Delaware for which DeIDOT has responsibility includes approximately 13,000 lane miles of road, approximately 520 miles of sidewalk, and approximately 25,000 intersections of which approximately 900 are signalized. In addition, there are approximately 275 traffic signals in the City of Wilmington that are maintained by the City which are on roads owned by DeIDOT. DeIDOT has employed the services of an engineering firm that has deployed two-person teams to physically walk and inspect the entire current pedestrian system that is under the responsibility of the Department of Transportation.

Transit System

The transit system in Delaware is operated by the Delaware Transit Corporation (DTC), a corporation created under the auspices of the Delaware Transportation Authority. As required by the ADA in 1990, DTC submitted its Final Complementary Para-transit Plan in 1992 and provided updates through 1995, at which time it was determined that DTC was in full compliance and no further plans had to be submitted to the Federal Transit Authority (FTA). DTC has continuously assessed and modified its facilities since the early 1990's in order to maintain compliance with ADA standards.

DTC is currently evaluating all of its existing stops to determine whether they meet current ADA standards. In addition, it is evaluating the pedestrian access routes to those stops to determine whether there are modifications that should be made that

would enable customers that currently require the use of para-transit to enjoy additional flexibility afforded them by the fixed-route system.

DTC goes through an FTA Triennial Review, which serves as verification of compliance. The latest review was conducted in 2010.

In addition, DTC underwent an “ADA Complementary Paratransit Service Compliance Review” by the FTA Office of Civil Rights in May 2007. All findings were minor and have been addressed.

Rest Areas

DelDOT currently has two Rest Areas. One is located on the east side of US13 just north of the City of Smyrna. The other is the Delaware Welcome Center, located in the median of I-95 north of the I-95 toll plaza near Newark.

In 2001, as part of a larger evaluation effort mentioned previously, DelDOT, with the assistance of a consulting firm, conducted an ADA compliance inspection of the Smyrna Rest Area to identify accessibility deficiencies and to offer appropriate solutions in order to meet the State’s obligations under the ADA. The Smyrna Rest Area was reconstructed in the late 1990s and was built to be fully accessible according to the standards in force at that time. Some issues with gutter pan counter slope clearances for wheelchairs have recently been identified that will need further analysis and remediation.

The Delaware Welcome Center was reconstructed in 2009 and reopened for use in 2010. It was designed and built to be fully accessible.

Driver and Motor Vehicle Licensing

The Division of Motor Vehicles provides driver licensing, motor vehicle registration, and motor vehicle inspection services through four service center facilities. These are located on the south side of Wilmington, in the Churchman’s Crossing area of New Castle County, in Dover, and in Georgetown. At these locations, the Division of Motor Vehicles provides services as follows:

- Driver Services
 - Licensing
 - Legal identification issuance
 - Driver improvement classes
 - Handicapped licenses/placards issuance

- Vehicle Services
 - Safety inspection
 - Emissions inspection
 - Registration
 - Renewals

- Titles
- Uninsured motorist administration

All these services require visits to one of the service center locations. The Wilmington, Dover, and Georgetown locations were reevaluated by an independent contractor in March of 2013. The Churchman's Crossing location was not reevaluated because the replacement building is under construction. Each of the three locations that were evaluated have non-compliant features that need remediation.

Toll Facilities

DelDOT owns and operates three mainline toll plazas. One is on I-95 at the western end of the state, near the border with Maryland. The other two are on SR1 just south of the Chesapeake and Delaware Canal and in Dover. The office building component at the I-95 location was assessed in 2001 along with the rest of DelDOT's buildings. The two toll plazas on SR1 were constructed during the late 1990's and were designed and built to existing ADA standards.

Public Information and Involvement

DelDOT recognizes that the public for whom we work are also our customers. As such, a major component of our work involves providing information to and receiving information from our customers. DelDOT provides and receives information through the following means:

- Public information – traffic conditions, Department programs, etc.
- Public workshops – projects, capital funding proposals, etc.
- Public notices and press releases
- Public events – ground breakings, ribbon cuttings, etc.
- Correspondence
- Websites

Public Information

DelDOT offers a wide variety of information to the public through publications, Websites, and other social media. DelDOT provides reasonable accommodations to members of the public with special needs. No provisions are routinely made to provide this information in a form useful to individuals with visual impairments, except for on Websites. One of the recommendations from the Civil Rights Assessment was that DelDOT needs a department-wide official policy that describes the process to notify the public and other interested parties that auxiliary aids are available upon request. In response, DelDOT is working to modify its policy and has included this effort as a work item in the Transition Plan.

Public Workshops

Our current efforts to share information relating to projects include placing advertisements in newspapers, posting the notice on our Website, and conducting

workshops to provide project explanations and garner information from the public regarding their ideas and preferences. When selecting sites for public workshops, DeIDOT chooses sites that are accessible to the maximum extent possible. DeIDOT tries to ensure that the venues for public workshops are fully accessible. The public workshop advertisements state that individuals with disabilities may make requests for reasonable accommodations prior to the event; DeIDOT honors these requests.

Public Notices and Press Releases

Under current practice, public notices and press releases are sent to media outlets and posted on the DeIDOT Website. A statement is included in all public notices informing those requiring special services (such as individuals with hearing loss) of the availability of the provision of reasonable accommodations with advance notice. DeIDOT provides public notices and press releases in a manner that the visually impaired are more easily able to read upon request.

Public Events

Events such as groundbreakings, ribbon-cuttings, or announcing modifications or additions to services involve media notices, invitations to guests, and accommodations for weather conditions. DeIDOT tries to locate these public events in areas that can accommodate individuals with mobility challenges, and the needs of individuals with hearing or visual impairments are accommodated upon request.

Correspondence

DeIDOT receives communications in the form of telephone calls, emails, and letters. The topics of these communications range from requests to compliments for good work by DeIDOT staff. If a hearing-impaired person should need to call us, they have the services of Delaware Relay in order to reach us. If DeIDOT receives a letter determined to be from a visually-impaired person, there is a protocol in responding by completing the letter in a larger font size. Provisions for providing information to or gathering information from individuals with disabilities are made on an as-requested basis.

Websites

DeIDOT strives to adhere to best practices and Website accessibility guidelines including:

- State of Delaware Government Information Center “Web Presentation Guidelines” at <http://dti.delaware.gov/pdfs/pp/clf/WebPresentationGuidelines.pdf>
- Federal Accessibility Act of 1998 Section 508 Guidelines at <http://www.section508.gov>
- Worldwide Web Consortium (W3C) Web Content Accessibility Guidelines 1.0 (WCAG) level A at <http://www.w3.org/TR/1999/WAI-WEBCONTENT-19990505/>

The DeIDOT Web Team reviewed the Department's Websites in 2007 to address Accessibility and Section 508 guidelines. DeIDOT currently subscribes to a service that checks the external departmental Websites and reports accessibility and quality issues on a weekly basis.

Project Development and Construction

DeIDOT's current Project Development and Construction Process has many steps and components, but there are three major phases: (1) developing alternative solutions to a given transportation problem or set of problems; (2) completing the engineering design and creating construction documents for the preferred solution; and (3) constructing the project. This process is controlled in part by the design standards noted previously which have been reviewed and modified as needed, to comply with ADA standards. If, during the design phase, circumstances are encountered that make it technically infeasible to comply with some aspect of the standards, there is currently no formal process for documenting the condition, the subsequent review, and the further decision regarding whether to waive some portion or portions of the standards.

During the construction phase, DeIDOT is responsible for maintaining the safe flow of traffic including pedestrian traffic. The technical term for this is "pedestrian maintenance of traffic", and it is intended to provide for safe passage for pedestrians. The Delaware Manual on Uniform Traffic Control Devices (MUTCD) states that if construction affects the movement of pedestrians, adequate pedestrian access and walkways shall be provided. If construction affects an accessible and detectable pedestrian facility, the accessibility and detectability shall be maintained along the alternative pedestrian route. DeIDOT currently has a work group that is tasked with developing best practices in this area.

Construction projects are inspected to ensure that the project is built according to the approved design and construction documents including ADA compliance. DeIDOT's current practice is to conduct a review of finished projects prior to accepting maintenance responsibility. The Department is working through a dedicated ADA Team to provide technical guidance throughout design and construction, additional training, and an easy reference field guide for inspectors. DeIDOT has developed a checklist that is used in conducting semi-final inspections that are intended to identify and remediate non-compliant features as cost effectively as possible.

Maintenance

DeIDOT is responsible for the maintenance and operation of approximately ninety percent (90%) of the roadways in Delaware, in addition to all of the transit system. DeIDOT has examined its policies and procedures for maintenance of pedestrian facilities. DeIDOT's Division of Maintenance and Operations led the policy development effort in partnership with a team representing DeIDOT Planning, DTC, and the Deputy Attorney General assigned to the Department. A policy has been developed, reviewed by DeIDOT staff including the ADA Title II Coordinator, and adopted.

The policy provides operational guidance for maintaining sidewalks. Federal Code [23 U.S.C. § 116](#), obligates a State DOT to maintain projects constructed with Federal-aid funding or enter into a maintenance agreement with the appropriate local government where such projects are located. The newly adopted DeIDOT policy applies to all pedestrian facilities under the control of DeIDOT regardless of whether they were constructed using Federal funds or are on the Federal-aid system. The policy also addresses snow removal and ice treatment on sidewalks in accordance with [28 CFR § 35.133](#), which requires public agencies to maintain walkways in “operable working condition” for all pedestrians, including persons with disabilities, with only “isolated or temporary interruptions in service”. Part of this maintenance obligation logically includes reasonable snow removal efforts, which the policy defines.

Policies

The Department has six existing policies that are related to DeIDOT’s goal to provide accessible state-owned transportation programs and systems including all transportation facilities located in the state-owned right-of-way for all persons living in, working in, or traveling in Delaware. These six policies are:

- A-07 Civil Rights Complaint Procedure
- D-07 Context Sensitive Design
- DTC-05 Bus Stop and Passenger Facilities Policy
- O-02 Sidewalk Policy
- O-03 DeIDOT Public Involvement Policy
- O-06 Complete Streets Policy

In particular, the Complete Streets Policy specifically identifies travelers with mobility challenges as one of the reasons for the adoption of the policy. The policy requires that all projects address the needs of these individuals by reason of the definition of Complete Streets as contained in the Policy and reproduced here as follows:

The term “Complete Streets” means a roadway that accommodates all travelers, particularly public transit users, bicyclists, pedestrians (including individuals of all ages and individuals with mobility, sensory, neurological, or hidden disabilities), and motorists, to enable all travelers to use the roadway safely and efficiently.

The DeIDOT Complete Streets Policy was created and adopted in accordance with Executive Order Number 6. The Policy, which has been in effect since January 2010, requires that DeIDOT produce an Implementation Plan that is intended to provide additional guidance for DeIDOT personnel in their efforts to implement the policy. DeIDOT is currently in the process of writing this Implementation Plan and expects to have it completed and adopted by summer 2014.

Staffing

The Federal government has provided some guidance regarding their view of the appropriate staffing for addressing ADA compliance in the document titled 2009 ADA Transition Plans: A Guide to Best Management Practices, NCHRP Project Number 20-7 (232). This document states that:

“Many of the staff members in these positions (of ADA Coordinator) have backgrounds that do not match the technical requirements that are needed to successfully complete the activities required to comply with ADA. This presents a roadblock for the agencies at the outset of the process and can lead to delays in compliance”

“Providing dedicated, trained staff within the Department for ADA compliance has a high correlation with successful drafting and implementation of Transition Plans, Self-evaluations, and Transition Plan updates”

DelDOT has a full time ADA Title II Coordinator whose background is fully suited “to successfully completing the activities required to comply with the ADA”. In addition DelDOT has assigned staff to support the ADA Title II Coordinator to ensure that design plans and construction activities are ADA compliant.

Funding

Since 1999, all new projects are funded to include the components and features needed for ADA compliance in accordance with our Road Design Standards and, since 2010, our Complete Streets Policy. Beginning in 1999, as the result of an agreement with the United States Department of Justice, DelDOT agreed to spend at least one hundred fifty thousand dollars (\$150,000) per year to fund the installation of curb ramps at intersections around the State that should have been included in projects the Department completed between 1992 to 1997 but were not. Due to changes in personnel, we do not currently have comprehensive documentation regarding the remediation status of each location and must review project files to determine whether all identified locations have been addressed. In addition, the Complete Streets Policy currently in effect requires that improvements or modifications are included in all new projects and in repaving, repair, and signalization projects in order to bring the ADA portion of the transportation system into compliance with current ADA standards.

Self-Evaluation Summary

DelDOT is aware of the requirements of ADA and alert to and empathetic with the needs of the persons for whom this law provides careful consideration. Having reviewed the current conditions of the facilities, services, programs, and activities for which DelDOT is responsible, DelDOT finds that in general these services, programs, and activities are accessible with some exceptions. What follows below is a conclusive summary assessment or evaluation of where DelDOT complies with ADA standards and where DelDOT needs further work in order to comply. This more conclusive summary is presented under the same categories as the section above.

Buildings

Numerous building improvements have been made over the past ten years. Although DeIDOT has not reported systematically on progress or accomplishments, DeIDOT has removed known barriers and will remediate any new ones that are identified.

Design Standards and Practices

DeIDOT's design standards are in compliance with current regulation and guidance. As standards change, DeIDOT will reassess and modify published standards as appropriate.

Pedestrian Facilities

The evaluation of 520 miles of state-owned sidewalk and related traffic signal components was finished in June 2012. About 55% of these sidewalks meet current standards while about 77% of associated curb ramps do not meet current standards. Part of the difficulty in maintaining compliant features has been with changes in standards that have occurred over the past 20 years. A table summarizing the results can be found in **Appendix F**. More detailed information is available through the DeIDOT ADA Title II Coordinator.

Transit System

The transit system, by reason of its Statewide para-transit program, helps DeIDOT provide mobility for people with disabilities. In addition, the busses that provide fixed route service are accessible, so where fixed route service is available, para-transit riders can enjoy the same full schedule flexibility that fixed route riders do provided that their route to the bus stop is accessible. Careful attention needs to be paid to the Pedestrian Access to Bus Stop study that is currently underway in order to maximize the extent to which persons with disabilities can use the fixed route system. The system improvements identified through this study should be included in the work associated with modifying the current system of sidewalks, roads, and signals to meet ADA requirements.

Rest Areas

The Delaware Welcome Center on I-95 is fully accessible. No further work is needed at this time. Some non-compliant components of the travel way into the Smyrna Rest Area have been identified. These will need a more detailed evaluation and quite possibly will require remediation.

Driver and Motor Vehicle Licensing

The Division of Motor Vehicles (DMV), along with other motor vehicle agencies in all the other States, recently received a survey from the National Highway Transportation Safety Administration (NHTSA) through which NHTSA is attempting to ascertain the accessibility of DMV programs and activities. In response to this request, the Wilmington, Dover, and Georgetown locations were reevaluated by an independent

contractor in March of 2013. The Churchman's Crossing location was not reevaluated because the replacement building is under construction. Each of the three locations that were evaluated has non-compliant features that need remediation. The Web-based applications through which some services are provided are in compliance with Section 508 and WCAG 1.0 level A, and DeIDOT subscribes to a third party service that reports accessibility issues to us on a weekly basis.

Toll Facilities

While there is no current evidence to suggest that barriers exist, the current buildings and structures that house the toll collection operations should be reevaluated to ensure that they meet current ADA standards.

Public Information and Involvement

The Public Involvement Policy is currently under review by an internal work group which includes the ADA Title II Coordinator. This review will incorporate information provided by individuals with disabilities and/or those persons that represent such individuals to ensure a better understanding of how best to provide information to, and receive information from, persons with disabilities. All proposals for modification will be presented for review by the public. The revised policy will cover at least the following topical areas:

- Public information
- Public workshops: DeIDOT Public Relations is undertaking a review of its public workshop process to enhance organization transparency. The needs of the disabled community will be factored into these plans, especially regarding the use of virtual workshops, which currently include audio as well as visual material.
- Public notices and press releases
- Public events
- Correspondence
- Website(s)

DeIDOT adheres to Section 508 Guidelines and WCAG 1.0 level A when modifying existing Web pages and developing new Web pages. DeIDOT intends to continue utilizing a third party service to report accessibility and quality issues pertaining to the departmental Websites and to address WCAG 2.0 as time and resources permit.

Project Development and Construction

The current approach to project development will need to be modified to incorporate related changes that are made in the Public Involvement Process and to include a Technical Infeasibility Documentation process. Plans are reviewed for ADA compliance, and all construction is inspected using a checklist that has been developed with a goal of 100% compliance. The data from the inspections will be used to keep the pedestrian system inventory data up to date.

Maintenance

The current approach to maintenance, particularly with regard to snow removal, has been modified so that it complies with Federal code and regulation. DeIDOT will need to estimate the annual cost associated with the modified maintenance program, and funds will need to be allocated accordingly.

Policies

In general, DeIDOT's policies support and help provide for full accessibility. As noted above, the one area where there may be potential for improvement is in the area of the Public Involvement Policy. In addition, the Complete Streets Implementation Plan needs to be completed and adopted as required by the Complete Streets Policy. Finalizing the Plan will demonstrate recognition of the fact that Complete Streets remove barriers and incomplete streets reduce the quality of life for those that live along and travel those incomplete streets.

Staffing

In other States, monitoring of ADA compliance has been the work of a specific individual or small group. In Delaware, in addition to the fulltime ADA Title II Coordinator, DeIDOT has assigned staff to work on ADA Title II issues and to help manage the implementation of the Transition Plan. This team will need to be supported by dedicated clerical assistance, adequately trained construction inspectors, and road inventory technicians to document the compliance of existing and newly constructed facilities.

Funding

DeIDOT currently funds and creates ADA compliant improvements to the transportation system in Delaware through the course of its normal work program, which includes paving and rehabilitation, congestion management, safety improvement, Transportation Enhancements, Safe Routes to School, and other capital improvement projects such as bus stop improvements funded through grants from the Federal Transit Administration.

Chapter 3: Transition Plan

While it is true that DeIDOT has been making steady progress toward achieving full accessibility, a very significant amount of work remains to be accomplished. This chapter identifies the work that is needed and provides a rough schedule for beginning and completing the work. Detailed scopes of work will be developed according to the schedule set forth in this chapter and reviewed by the pertinent parties when the time is right to do so. The format of this chapter follows that of the previous two chapters for ease of reading and to make it as easy as possible for interested parties to be able to review what is proposed and then to track the subsequent work.

Buildings

There is remediation work required at the DMV buildings in Georgetown, Wilmington, and Dover at this time. The DMV remediation needs are covered under the “Driver and Motor Vehicle Licensing” section below.

Design Standards

There is no remediation work required within DeIDOT’s Design Standards at this time. However, upon the Adoption of PROWAG, whenever that actually occurs, the Department will reevaluate its Design Standards based on whatever the final PROWAG document promulgates. DeIDOT’s Standard Details are reviewed on a continuing basis.

Pedestrian Facilities

The implementation of modifications to the sidewalks, crosswalks, and traffic signals that comprise the State of Delaware’s pedestrian facilities will entail a multi-year effort. DeIDOT’s goal is to correct all the deficiencies that have been identified through the Self-Evaluation through the collective efforts of the programs already in place. Some remediation modifications will be accomplished through Paving and Rehabilitation projects. The timing of remediation efforts associated with paving projects will be governed by the current pavement management process.

Other remediation modifications will be accomplished through stand-alone projects. Some remediation actions will be projects directly intended to address all of the ADA deficiencies in a given area, and others will be small projects focused on an isolated need. The selection of “stand-alone” projects will be made based on a prioritization process that considers the State Investment Level, the number of transit routes associated with the adjacent roadway, and specific needs identified by our customers.

Other improvements will be made as part of intersection improvements or will be accomplished through signal system improvement projects.

Finally, there will be improvements that are addressed in the course of doing new projects that significantly modify the current road system that must comply with the Complete Streets Executive Order and DeIDOT's Complete Streets Policy.

Transit System

The ADA Title II Coordinator will work carefully to ensure that the recommendations of the Pedestrian Access to Transit study are implemented. In addition, the ADA Title II Coordinator will work to coordinate construction projects such that improvements to bus stops at specific locations are supported with any required improvements to the adjacent sidewalks, crosswalks, or traffic signals. To aid in this endeavor, a \$1.8 million grant has been awarded by the Federal Transit Administration (FTA) to DTC specifically to fund improvements that will afford improved pedestrian access to the transit system. These improvements are currently under construction.

Rest Areas

At this time, no remediation work is needed at the Delaware Welcome Center on I-95 . The more detailed evaluation of the Smyrna Rest Area will be accomplished in fiscal year 2015, and any required remedial action will be taken in the following fiscal year.

Driver and Motor Vehicle Licensing

The DMV will be soliciting proposals for the remediation of the non-compliant features that have been found at the Wilmington, Dover, and Georgetown locations in fiscal year 2015.

Toll Facilities

There is no remediation work required for the toll facilities at this time, but a reevaluation will be conducted in fiscal year 2015.

Public Information and Involvement

DeIDOT has initiated a review of the Public Involvement Policy. The action areas that are being studied include the following:

- General public information
- Public workshops
- Public notices and press releases
- Public events
- Correspondence
- Website

The proposed modifications to the Policy will be reviewed with the State Council for Persons with Disabilities prior to finalization.

There are no remedial measures that are found to be necessary for DeIDOT Websites at this time. However, any recommendations for modifications that arise as a result of the public information work cited above will be incorporated into the annual ADA work plan.

Project Development and Construction

Remedial actions have been taken to create and adopt a Technical Infeasibility Documentation and Waiver process. The adopted process is included in this document as **Appendix G**. Any modifications adopted through the Public Involvement Policy review cited above will be incorporated into the project development process. In addition, the ADA Title II team will be involved in reviewing plans and in construction inspection in an effort to achieve 100% compliance.

Maintenance

A Sidewalk Maintenance Policy has been developed and adopted by DeIDOT. This policy includes provisions for snow removal, which DeIDOT began to implement during the winter season of 2013-2014. DeIDOT expects to make refinements to this effort as a result of what has been learned through this new initiative.

Policies

With the exception of the Public Information and Involvement Policy cited previously, no additional remedial work is required at this time with regard to DeIDOT policies. The Complete Streets Implementation Plan needs to be adopted to augment the current efforts to create complete and accessible streets.

Staffing

DeIDOT will periodically review the workload for this effort and decide whether additional staff resources are needed, especially in the area of clerical support and construction inspection. In addition, DeIDOT will evaluate alternative methods for keeping the pedestrian system inventory complete and up to date and then will adopt the method it deems to be most cost effective.

Funding

DeIDOT is proposing to provide the financial support for the implementation of the ADA Title II Transition Plan by including the actions necessary to remediate the deficiencies discovered through the Self-Evaluation into the programs and projects that are included in DeIDOT's six year Capital Transportation Program (CTP). Every effort will be made to include all of the needed remedial actions within the limits of each project such that the system is brought to current standards to the extent of maximum feasibility. DeIDOT will strive towards a complete and accessible system and to ensure that the deficiencies identified through the Self-Evaluation have all been remediated. To help achieve this goal, the proposed Fiscal Year 2015 CTP includes \$3 million specifically to fund the

“stand-alone” remediation projects. Similar funding levels are being proposed for subsequent fiscal years. These funds are in addition to the remediation improvements that will be made through projects and programs that are already part of the six year CTP.

Progress Monitoring and Reporting

The ADA Title II / Section 504 Coordinator will be responsible for creating an annual Transition Plan Work Program that covers work items not included in the actions cited in the “Funding” paragraph above and for ensuring that the applicable portion of the Transition Plan Work Program is included in the Department’s budget and work program for each year. This work will include ensuring that the design and construction of transportation system projects are in compliance with ADA standards. In addition, this person will be responsible for creating an annual Transition Plan Progress Report including maps that depict the locations that have been remediated in the past year. These maps will also be available for viewing at the ADA Website via the Internet.

APPENDIX A

§ 8210. State Council for Persons with Disabilities

- (a) There is hereby established a State Council for Persons with Disabilities.
- (b) This Council shall have the following duties and responsibilities:
 - (1) Promote coordination among all state programs, services and plans established for or related to persons with disabilities.
 - (2) Review, on a continuing basis, all state policies, plans, programs and activities concerning persons with disabilities which are conducted or assisted, in whole or part, by state departments, agencies or funds in order to determine whether such policies, programs, plans and activities effectively meet the needs of persons with disabilities.
 - (3) Make recommendations to the Governor, the General Assembly and all state Departments and agencies respecting ways to improve the administration of services for persons with disabilities, and for facilitating the implementation of new or expanded programs.
 - (4) Provide the Governor, the General Assembly, all interested agencies and the general public with the review and comment on all state legislative proposals affecting people with disabilities.
 - (5) Provide policymakers and the general public with analyses and recommendations on federal and local governmental legislation, regulations and policies affecting state programs and persons with disabilities.
 - (6) Propose and promote legislation, regulations and policies to improve the well-being of persons with disabilities.
 - (7) Serve as a central state clearinghouse for information and data regarding:
 - a. The current numbers of persons with disabilities and their needs;
 - b. The location, provision and availability of services and programs for persons with disabilities;
 - c. Any other relevant information and data about persons with disabilities which the council deems appropriate.
 - (8) Prepare and submit to the Governor and the General Assembly an annual report of the activities of the Council and the status of services and programs for persons with disabilities.
 - (9) Serve as advisory council for the Community-Based Attendant Services

Program established by Chapter 94 of Title 16.

(c) For administrative purposes, this Council is placed within the Department of Safety and Homeland Security.

(d) This Council shall consist of the following members:

(1) The Secretary of Health and Social Services, or a Designee of the Secretary;

(2) The Secretary of Labor or a Designee of the Secretary;

(3) The Secretary of Education or a Designee of the Secretary;

(4) The Secretary of Services to Children, Youth, and Their Families or a Designee of the Secretary;

(5) The following councils, committee, agencies and organizations shall elect one (1) of their members to serve as a member of the Council:

a. The Governor's Advisory Council for Exceptional Citizens;

b. Developmental Disabilities Council;

c. Governor's Committee on Employment of Persons with Disabilities;

d. Advisory Council to the Division of Developmental Disabilities Services;

e. Advisory Council to the Division of Substance Abuse and Mental Health;

f. Architectural Accessibility Board;

g. Delaware Transit Corporation;

h. Council on Services for Aging and Adults with Physical Disabilities;

i. Advisory Council on Public Health;

j. Council on Public Health;

k. Criminal Justice Council;

l. State Rehabilitation Advisory Council; and

m. Other councils, committees, agencies and organizations as approved by both the State Council for Persons with Disabilities and the affected council, committee, agency or organization;

(6) Individuals appointed by Council to ensure that at least 50% of the members

are individuals with disabilities or that have family members with disabilities.

At least 33% of the total membership shall be composed of individuals with disabilities.

(e) Any vacancy of a representative position under paragraphs (d) (1)-(5) of this section shall be filled by the respective council, committee, agency or organization within 1 month.

(f) Any member who misses either 3 consecutive meetings or 4 out of any 12 consecutive meetings shall be presumed to have resigned from the Council.

(g) Members of the Council shall serve without compensation, except that they may be reimbursed by the Department of Safety and Homeland Security for reasonable and necessary expenses incident to their duties as members of the Council to the extent funds are available therefore and in accordance with state law.

(h) The Council shall elect its own Chairperson.

(i) The Council shall determine its meeting schedule, but there shall not be less than 4 meetings each calendar year, open to the public, held in an accessible place and with reasonable accommodations as requested.

(j) A simple majority of the total membership shall constitute a quorum which shall be necessary to vote on any issue.

(k) As used in this section, "persons with disabilities" means any person who has a physical or mental impairment which substantially limits 1 or more major life activities, has a record of such impairment.

(l) For purposes of this section, the operations and activities of the Division for the Visually Impaired and the Governor's Advisory Council on the Blind shall be exempt from the purview of the State Council for Persons with Disabilities.

(76 Del. Laws, c. 391, § 11.;)

APPENDIX B DOJ Agreement

Voluntary Settlement Agreement Between Delaware Department of Transportation (DelDOT), the Community Legal Aid Society, Inc. (CLASI), and the United States Department of Justice

VOLUNTARY SETTLEMENT AGREEMENT

BETWEEN THE DELAWARE DEPARTMENT OF TRANSPORTATION,

THE COMMUNITY LEGAL AID SOCIETY, INC. AND

THE UNITED STATES DEPARTMENT OF JUSTICE

1. The undersigned acknowledge that the following Agreement is entered into voluntarily, and sets out the terms and conditions to bring certain roads under the jurisdiction of the State of Delaware into further compliance with the Americans With Disabilities Act of 1990.

2. In accordance with the Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 – 12134 (“ADA”), as implemented by regulations at 28 C.F.R. Part 35, the Delaware Department of Transportation (“DelDOT”), the Community Legal Aid Society, Inc. (“CLASI”), and the United States Department of Justice, by and through the United States Attorney’s Office for the District of Delaware (“USDOJ”) voluntarily enter into this letter Agreement (“Agreement”) regarding installation of curb ramps at intersections on state-maintained roads throughout the State of Delaware. Section 504 of the Rehabilitation Act of 1973 (“Section 504”) likewise prohibits discrimination against people with disabilities by recipients of federal financial assistance in providing transportation and related services, and its implementing regulations expressly direct recipients of federal transportation assistance to comply with all aspects of the ADA. See 29 C.F.R. §§ 27.7 and 29.19. The following procedures for retrofitting curb ramps at intersections, which have not previously been accessible, take into account DelDOT’s resources, the seasonal constraints of curb ramp construction, and establish a schedule for bringing all applicable state roads into compliance with the ADA and Section 504.

3. The parties agree that under the ADA, pavement rehabilitation projects, including suburban residential streets, must include the construction of accessible curb ramps. 28 C.F.R. § 35.151(e)(1-2); Barden v. City of Sacramento, 292 F.3d 1073 (9th Cir. 2002), cert. denied, ___ U.S. ___, 123 S. Ct. 2639 (2003); Kinney v. Yerusalim, 9 F.3d 1067 (3d Cir. 1993), cert. denied, 511 U.S. 1033 (1994).

4. CLASI and USDOJ accept the assurances of DelDOT that DelDOT included, and continues to include, the installation of required accessible curb ramps in all new pavement resurfacing and Community Transportation Needs (CTN) (formerly known as Suburban Street Fund) projects prospectively beginning in 2001 and thereafter. The parties also agree that DelDOT retrofitted all previous projects commenced in the years 1998-2000 with curb ramps, in order to make them accessible where required.

5. In addition, CLASI and USDOJ accept the assurances of DelDOT that since 1992 DelDOT has installed curb ramps as required under the ADA for all Paving and Rehabilitation Projects with 3” or more of top material removed, and for all large re-paving projects funded with a combination of state and federal dollars. Except under limited circumstances, in addition to the retrofitting described in the paragraph 4 of this Agreement, however, DelDOT did not install curb ramps for resurfacing projects where less than 3” top material was removed, or on suburban residential streets projects, as called for under ADA regulation, 28 C.F.R. 35.151(e)(1-2)¹, at the locations where such curb ramps should have been so installed. The number of curb ramps in Delaware that remain to be retrofitted to comply with the ADA, based on the repaving work done between the 1992 and the 1997 construction seasons, is estimated at approximately 1500. Delaware’s approximate construction cost per ramp varies by contract issued pursuant to the state procurement laws, but has ranged from \$800 to \$1,500 in recent years.

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6. To bring its remaining roads into ADA-compliance with respect to curb ramps where required, DelDOT hereby agrees to undertake to identify and retrofit one hundred (100) additional curb ramps each year, over and above any curb ramps installed pursuant to its normal construction practices, until the estimated 1500 ADA non-conforming sites for the years 1992-1997 or their equivalent have been retrofitted, subject to the funding limitations noted in paragraph 10 of this Agreement.

7. The parties recognize that some of these ramp locations will be conformed to the ADA as the result of the ongoing and regular resurfacing cycles applicable to all state roads and streets. The parties expect that by completion of the retrofitting schedule described below, all intersections on State of Delaware roads will eventually conform to the ADA's curb ramp requirements through either routine resurfacing cycles or this retrofitting agreement.

8. DelDOT hereby agrees to use its best efforts to review its records concerning resurfacing projects from years 1997 to 1992, to identify, to the extent feasible and practical, those intersections in which accessible curb ramps have not yet been installed. Starting with June 2004 and in subsequent years as applicable, DelDOT will identify the additional curb ramp locations that will be retrofitted during the following year's upcoming construction season. To the extent feasible and practical, DelDOT will set the construction priorities for such ramps based on the following scheme:

<u>Original Construction Season Compliance Year</u>	<u>Retrofit Schedule Year</u>
1997	2005
1996	2006
1995	2007
1994	2008
1993	2009
1992	2010

If any remaining curb ramps have not been retrofitted by the year 2010, upon completion of the above schedule, DelDOT will begin this review cycle again, starting with Compliance Year 1997, until all non-conforming sites have been retrofitted.²

9. In addition, in June of each Review Year, DelDOT will post non-conforming ramp locations proposed to be retrofitted for the upcoming construction season on the DelDOT website, <http://www.deldot.net>, over and above the ramp locations to be retrofitted under the regular resurfacing and reconstruction programs. DelDOT will collaborate with the State Council for Persons with Disabilities and its own advisory council, EDTAC, in order to publicize this process and to facilitate public input into the prioritization of sites. In determining which sites have a higher priority, DelDOT agrees to review the public comments, and consider those comments when scheduling sites for retrofitting for that year. CLASI and USDOJ agree that DelDOT shall have the ability to adjust the above schedule to include sites they deem appropriate due to public comment in any particular year, as long as adjustments do not alter the overall pace of remedial retrofitting outlined in paragraph 8.

10. Under either procedure outlined in paragraphs 8 and 9 of this Agreement, \$150,000 in construction costs will be dedicated each year to the construction of the accessible curb ramps to be built pursuant to this Agreement. These funds are expected to provide sufficient wherewithal for the construction of a minimum of 100 curb ramps each year under this Agreement. If bid prices permit a higher number than 100 curb ramps to be reconstructed within this \$150,000 limit, DelDOT will proportionately increase the number of curb ramps to be installed in construction cycle year immediately following the nomination process. The parties also agree that DelDOT's actual total costs under this program will exceed \$150,000 per year, but that the funding limitation relates only to the bid prices for ramp construction.

<http://www.ada.gov/deldot.htm>[2/28/2014 5:22:54 PM]

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11. In return for DelDOT's agreement to conform intersections on the schedule and under the procedure above, CLASI agrees to forebear suit on ADA and § 504 violations related specifically to the installation of curb cuts subject to this agreement, absent a specific new complaint related to installation of curb ramps in state roads that are subject to this agreement. If a specific new complaint does arise, CLASI agrees to attempt to informally resolve the matter with the State of Delaware prior to the filing of any lawsuit. CLASI does not waive or otherwise agree to forebear suit on any other potential ADA, § 504, or other claim related to any other aspect of DelDOT or state activity, including without limitation, any obligation the state may have to maintain sidewalks. It is agreed that any material violation of this Agreement may result in a lawsuit by CLASI and/or a Letter of Finding issued by the USDOJ, subject to any defenses the State of Delaware may have to such litigation.

12. The State of Delaware agrees to waive any statute of limitations defenses as to the intersections covered under this Agreement. In addition, annually, and not later than March 1 each year, DelDOT agrees to issue a report to the Project Director of the Disabilities Law Program, of CLASI, one copy to Chairman of the State Counsel for Persons with Disabilities, in care of the Delaware Division of Administrative Services, Delaware Department of State. The report would provide the following information: (1) The number and location of curbs retrofitted for the prior year; and (2) a synopsis of the public comments received.

13. In entering into this Agreement, the State of Delaware does not admit that the Delaware Department of Transportation, its employees, or any entity on its behalf has violated any legal requirement of the Americans with Disabilities Act, including but not limited to any alleged violations of the curb ramp regulation, 28 C.F.R. 35.151(e)(1-2), but that this Agreement is entered into voluntarily in settlement of disputed claims. Except as provided in paragraph 12 of the Agreement, the Department of Transportation expressly reserves any and all defenses it may be entitled to assert in any subsequent litigation relating the Americans with Disabilities Act, notwithstanding the representations and commitments outlined in this Agreement, none of which may be used against the State of Delaware, its agencies and/or employees in any such proceeding.

Executed on this 16th day of July, 2004.

COLM F. CONNOLLY
United States Attorney

Community Legal Aid Society, Inc.

By: _____

Paulette K. Nash
Assistant United States Attorney
The Nemours Building
1007 Orange Street, Suite 700
Wilmington, Delaware 19801
302-573-6277

James G. McGriffin, Jr.
Executive Director
100 W. 10th Street, Suite 801
Wilmington, Delaware 19801
302-575-0660

Delaware Department of Transportation

<http://www.ada.gov/deltdot.htm>[2/28/2014 5:22:54 PM]

Voluntary Settlement Agreement Between Delaware Department of Transportation (DelDOT), the Community Legal Aid Society, Inc. (CLASI), and the United Stat...

By:
Carolann Wicks, P.E.
Chief Engineer
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903
302-760-2305

Attest:
Martha N. Dobson
Director, Technology and Support Services
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903
302-760-2203

Approved as to form:

Frederick H. Schranck
Deputy Attorney General
Delaware Department of Justice
P.O. Box 778
Dover, DE 19903
302-760-2020

¹Section 35.151 of the Code of Federal Regulations, Title 28 states the following:

“(e) Curb ramps

1. Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.
2. Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.”
28 C.F.R. § 35.151(e)(1 and 2).

[\(Return to Agreement\)](#)

²As further discussed in this Agreement, this formula may be amended dependent upon the public comment period, at the discretion of the State of Delaware, when public comments require retrofitting out of sequence for a particular intersection(s), as long as adjustments do not alter the overall pace of remedial retrofitting outlined in paragraph 8.

[\(Return to Agreement\)](#)

[Cases & Matters by ADA Title Coverage](#) | [Legal Documents by Type & Date](#) | [ADA Home Page](#)

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Voluntary Settlement Agreement Between Delaware Department of Transportation (DelDOT), the Community Legal Aid Society, Inc. (CLASI), and the United Stat...

May 3, 2006

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APPENDIX C ADA Workgroup Members

DeIDOT Staff:

Jim Pappas – Workgroup Chair
Clayton Bedwell
Marco Boyce
Sherrie Cronshaw
Jenna Frye
Bonnie Hitch - DART
Joseph Hofstee
Alex Krajewski
Mark Luszcz
Michael McCann
Brian McIlvaine
John McNeal – ADA Title II Coordinator
Linda Osiecki
Jennifer Pinkerton
Ralph Reeb
Sandy Roumillat
Cherrine Smith

State of Delaware ADA Coordinator:

Kyle Hodges

DeIDOT ADA Title II Coordinator:

John McNeal
ADA Title II Coordinator
Office of Civil Rights
Delaware Department of Transportation
Dover, Delaware 19903-0778

Email: John.McNeal@state.de.us
Phone: (302) 760-2467

APPENDIX D

Grievance/ Complaint Procedure

Delaware Department of Transportation Civil Rights Section ADA Title II/Section 504 Complaint Procedure

The Delaware Department of Transportation has adopted a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations including but not limited to Subpart B, Subsection 25.130, implementing Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.

Section 504 of the Rehabilitation Act of 1973, 42 U.S.C. 794, et seq., provides: No qualified handicapped person shall, solely by reason of his handicap, be excluded from participate in, be denied the benefits of, be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12131, et seq., provides: No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or local government.

DeIDOT's complete External Equal Opportunity Complaint Procedure is published in the Delaware Register and may be accessed at www.regulations.delaware.gov/AdminCode/title2/2000/2500. For convenience, the portions of the procedure relating to ADA Title II are provided within this appendix.

Who can file a Complaint?

Any person or any specific class of persons, by themselves or by a representative, organization, or business entities that believe they have been subjected to discrimination or retaliation prohibited by Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (ADA) may file a complaint.

What is a Complaint?

A complaint is a written or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Complaints

should be in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain at least the following information:

- A written explanation of what happened;
- Information necessary to contact the complainant;
- The basis of the complaint is a disability as defined by the Americans with Disabilities Act;
- The identification of the respondent, e.g., agency/organization alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and,
- The date(s) of the alleged discriminatory act(s).

While the above indicates a complaint should be in writing and signed, the receiving agency must accept complaints in alternate formats from persons with disabilities, upon request.

- The complaint may be filed on a computer disk, by audio tape, or in Braille.
- The complainant may call the agency and provide the allegations by telephone. The agency will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for signature and confirmation of the accuracy of the written complaint.
- Complaints in languages other than English will be translated and responded to in the language in which they were sent in accordance with E.O. 13166, "Improving Access to Services for Persons with Limited English Proficiency." DelDOT will provide translation services in as many languages as it has available to it.

Where to Submit Complaints

Complaints may be submitted to DelDOT or FHWA.

- DelDOT address is: P.O. Box 778, Dover, DE 19903. The DelDOT person authorized to receive complaints is the DelDOT ADA Title II Coordinator, (302) 760-2467, email: dot.adarequest@state.de.us, Website: www.ada.deldot.gov.
- Complaints submitted to FHWA can be sent to: FHWA, DelMar Division Office, 1201 College Park Road, Suite 102, Dover, DE 19904, (302) 734-5323.
- Complaints submitted to the Department of Justice can be sent to: US Department of Justice, 950 Pennsylvania Avenue, NW, Civil Rights Division, Disability Rights Section – 1425 NYAV, Washington, DC 20530.

Timeframe for Filing Complaints

Complaints must be filed within 180 days of the last date of the alleged discrimination, unless the time for filing is extended for cause. The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by

any office authorized to receive complaints. An extension may be granted under any of the following circumstances:

- The complainant could not reasonably be expected to know the act was discriminatory within the 180-day period, and the complaint was filed within 60 days after the complainant became aware of the alleged discrimination;
- The complainant was unable to file a complaint because of incapacitating illness or other incapacitating circumstances during the 180-day period, and the complaint was filed within 60 days after the period of incapacitation ended;
- The complainant filed a complaint alleging the same discriminatory conduct within the 180-day period with another Federal, State, or local civil rights enforcement agency and filed a complaint with DeIDOT within 60 days after the other agency had completed its investigation or notified the complainant that it would take no further action;
- The complainant filed, within the 180-day period, an internal grievance alleging the same discriminatory conduct that is the subject of DeIDOT complaint, and the complaint is filed not later than 60 days after the internal grievance is concluded;
- Unique circumstances generated by DeIDOT action have adversely affected the complainant;
- The discriminatory act is of a continuing nature; or
- Some complaints may be referred to DeIDOT by other agencies. In the event the referring agency has the complaint in its possession for an inordinately long period of time and the complainant filed his or her complaint with that agency within the 180-day timeframe, DeIDOT will automatically grant an informal extension. In these cases, the complainant will not receive notification of the extension of the filing deadline.

DeIDOT Responsibilities

Complaints filed under the ADA Title II/Section 504 will be investigated by DeIDOT in accordance with these complain procedures.

DeIDOT may use contract investigators to conduct investigations if necessary to prevent or eliminate a backlog of complaints. All complaints will be investigated in accordance with approved complaint processing procedures.

Processing Complaints

Recording Complaints

Upon initial receipt, the complaint will be date stamped and logged in by the receiving office. Complaints filed online at www.ada.deldot.gov or submitted by email to dot.adarequest@state.de.gov will receive an electronic return receipt.

Items Not Considered a Complaint

The following are examples of items that are not considered a complaint, unless the item contains a signed cover letter specifically asking that the agency take action concerning the allegations:

- An anonymous complaint;
- Inquiries seeking advice or information;
- Courtesy copies of court pleadings;
- Courtesy copies of complaints addressed to other local, State, or Federal agencies;
- Newspaper articles: and,
- Courtesy copies of internal grievances.

Reviewing Complaints

The complaint will be reviewed within 10 calendar days of receipt to determine whether it contains all the necessary information required for acceptance. If the complaint is unclear or incomplete, the complainant will be contacted in writing or by telephone to obtain additional information. The complainant will have 15 calendar days to respond to the request for additional information.

Once the complaint is complete and no additional information is needed, the Complainant Consent/Release form and the Notice About Investigatory Uses of Personal Information form will be sent to the complainant for signature.

Complaint Jurisdiction

If it becomes clear that DeIDOT lacks jurisdiction over a complaint, the complaint will be referred to the appropriate authorized agency. A referral letter will be sent to the agency along with the complaint and any other documents collected. A letter will also be sent to the complainant stating that the complaint has been referred to another agency and that DeIDOT has closed the complaint.

Notification of Acceptance of Complaints

After determining the complaint will be accepted for investigation, a notification letter will be sent to the complainant and the respondent.

When the Complainant is Represented by an Attorney

Complainants represented by an attorney must provide a letter authorizing representation. The attorney will be copied on all correspondence with the complainant.

Timeframes for Investigations

ADA Title II/Section 504 complaint investigations will be completed within 90 days of receipt of the complete complaint unless circumstances exist justifying additional investigative time.

Withdrawal of Complaint

Complainants may withdraw their complaint at any time. This action closes the case without prejudice.

Dismissals

The DeIDOT ADA Title II Coordinator has the authority to dismiss ADA Title II/Section 504 complaints. A complaint may be dismissed for any of the following reasons:

- The complaint is not filed in a timely manner;
- The complainant fails to respond to repeated requests for additional information needed to process the complaint;
- The complainant cannot be located after reasonable attempts;
- There is no statutory or alleged basis for the complaint, or the complainant does not allege any harm with regard to current programs or statutes;
- The complaint has been investigated by another agency and the resolution of the complaint meets USDOT/FHWA regulatory standards: e.g., all allegations were investigated, appropriate legal standards were applied, and any remedies secured meet USDOT's standards;
- Credible information found at any time indicating that the allegations raised by the complainant have been resolved, or are moot and there are no class-wide allegations or implications;
- The same complaint allegations have been filed with another Federal, State, or local agency possessing statutory authority to accept and process such complaints;
- The complainant has filed a legal action in Federal District Court with the same basis(es) and issue(s) involved in the complaint.

Resolution of Complaint

It is in the best interest of all parties involved that issues raised in a complaint of discrimination be resolved informally. Every effort will be made to pursue resolution of the complaint, even while the investigation is underway.

Based on the investigation and the analysis of information and evidence gathered, specific recommendations or a formal corrective action plan may be generated.

Complainants will be advised of their right to file their grievances with other governmental agencies possessing the statutory authority to accept and process such

complaints (such as the appropriate Federal agencies, including but not limited to FHWA and DOJ).

Letters of Finding (LOFs)

The DeIDOT ADA Title II Coordinator will attempt to mediate/resolve all ADA Title II/Section 504 complaints. When the ADA Title II Coordinator is unable to mediate a resolution of the complaint, the ADA Title II Coordinator will arrange a meeting with the complainant and their authorized representative(s), if applicable. If the complaint involves additional agencies/entities, the ADA Title II/Section 504 Coordinator will attempt to coordinate the meeting to include participation of an official representative from all parties involved. DeIDOT must answer the complaint in writing within 15 working days of the meeting unless circumstances arise that require reasonable extensions.

Appeals

If the complainant wishes to appeal the ADA Title II Coordinator's determination, the complaint can be submitted to the US Department of Justice, Disability Rights Section, ADA Mediation Program. The ADA Mediation Program will follow its established complaint resolution and appeal processes as are appropriate for each specific complaint.

APPENDIX E Non-Discrimination Statement/Assurances

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA") and Section 504, the Delaware Department of Transportation will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Delaware Department of Transportation does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Delaware Department of Transportation will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Delaware Department of Transportation programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Delaware Department of Transportation will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, service animals accompanying individuals that require this form of assistance are welcomed in the Delaware Department of Transportation offices where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Delaware Department of Transportation, should contact Public Relations at 302-760-2080 as soon as possible at least 48 hours before the scheduled event.

The ADA does not require the Delaware Department of Transportation to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Delaware Department of Transportation is not accessible to persons with disabilities should be directed to the DelDOT ADA Title II Coordinator at 302-760-2467.

The Delaware Department of Transportation will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost

of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs

APPENDIX F Pedestrian Facility Evaluation Summary

Statewide Summary

DeIDOT Sidewalk Inventory and ADA Assessment Summary - By County

(Field Data Collection and ADA Assessment of Sidewalks in DeIDOT R/W in Investment Levels 1-4)

County	Category	Total Assessed	Total Compliant	Total Non-Compliant	% Compliant	% Non-Compliant
Kent	Sidewalks (miles)	95.24	60.76	34.48	64%	36%
Kent	Sidewalks (feet)	502876	320771	182105	64%	36%
Kent	Missing Sidewalk Links (miles)	2.61	-	-	-	-
Kent	Missing Sidewalk Links (feet)	13792				
Kent	Marked Crosswalks	693	609	84	88%	12%
Kent	Curb Ramps	2168	559	1609	26%	74%
Kent	Curb Barriers	324	-	-	-	-
Kent	Bus Stop Patron Pads	279	51	228	18%	82%
Kent	Pedestrian Signals	329	165	164	50%	50%
Kent	Medians and Channelized Islands	153	71	82	46%	54%
Kent	Railroad Crossings	41	0	41	0%	100%
Kent	Driveway Crossings Along Non-Compliant Sidewalk	796				
Kent	Stub Ends	376	-	-	-	-
Kent	On-Street Parking Locations	66	-	-	-	-
Kent	Driveway Crossings	1086	386	700	36%	64%
Kent	Pinch Points	149	60	89	40%	60%
Kent	Horizontal Gaps > 1/2 inch	78	-	-	-	-
Kent	Vertical Elevation Differences > 1/2 inch	223	-	-	-	-
Kent	Non-Compliant Sidewalk 20 Feet or Less	280	-	-	-	-
Kent	Path/Trail Berm Running Slope	4	0	4	0%	100%
New Castle	Sidewalks (miles)	327.79	171.18	156.61	52%	48%
New Castle	Sidewalks (feet)	1730753	903863	826890	52%	48%
New Castle	Missing Sidewalk Links (miles)	12	-	-	-	-
New Castle	Missing Sidewalk Links (feet)	64286				
New Castle	Marked Crosswalks	2440	2234	206	92%	8%
New Castle	Curb Ramps	7624	1577	6047	21%	79%
New Castle	Curb Barriers	937	-	-	-	-
New Castle	Bus Stop Patron Pads	1497	417	1080	28%	72%
New Castle	Pedestrian Signals	1827	724	1103	40%	60%
New Castle	Medians and Channelized Islands	656	262	394	40%	60%
New Castle	Railroad Crossings	86	1	85	1%	99%
New Castle	Driveway Crossings Along Non-Compliant Sidewalk	3568				
New Castle	Stub Ends	1013	-	-	-	-
New Castle	On-Street Parking Locations	89	-	-	-	-
New Castle	Driveway Crossings	2415	904	1511	37%	63%

County	Category	Total Assessed	Total Compliant	Total Non-Compliant	% Compliant	% Non-Compliant
New Castle	Pinch Points	477	292	185	61%	39%
New Castle	Horizontal Gaps > 1/2 inch	359	-	-	-	-
New Castle	Vertical Elevation Differences > 1/2 inch	839	-	-	-	-
New Castle	Non-Compliant Sidewalk 20 Feet or Less	799	-	-	-	-
New Castle	Path/Trail Berm Running Slope	31	0	31	0%	100%
Sussex	Sidewalks (miles)	97.10	57.85	39.25	60%	40%
Sussex	Sidewalks (feet)	512675	305405	207270	60%	40%
Sussex	Missing Sidewalk Links (miles)	2.37	-	-	-	-
Sussex	Missing Sidewalk Links (feet)	12492				
Sussex	Marked Crosswalks	642	593	49	92%	8%
Sussex	Curb Ramps	2253	698	1555	31%	69%
Sussex	Curb Barriers	316	-	-	-	-
Sussex	Bus Stop Patron Pads	182	46	136	25%	75%
Sussex	Pedestrian Signals	165	80	85	48%	52%
Sussex	Medians and Channelized Islands	128	74	54	58%	42%
Sussex	Railroad Crossings	48	0	48	0%	100%
Sussex	Driveway Crossings Along Non-Compliant Sidewalk	1391				
Sussex	Stub Ends	407	-	-	-	-
Sussex	On-Street Parking Locations	37	-	-	-	-
Sussex	Driveway Crossings	1126	436	690	39%	61%
Sussex	Pinch Points	157	94	63	60%	40%
Sussex	Horizontal Gaps > 1/2 inch	71				
Sussex	Vertical Elevation Differences > 1/2 inch	188				
Sussex	Non-Compliant Sidewalk 20 Feet or Less	206	-	-	-	-
Sussex	Path/Trail Berm Running Slope	2	1	1	50%	50%

APPENDIX G

Technically Infeasible Request Form

ADA – Technically Infeasible Request

Project No:

Project Name:

Date:

Scope of Work:

ADA – Technically Infeasible Abstract: Provide a short summary detailing the location and nature of the technically infeasible ADA element, reasons for the request, an explanation of the other elements that are ADA compliant and any other relevant factors to be considered. Include enclosures of design criteria, photographs, figures, calculations, proximity to a designated/eligible historic structure or site, if applicable, and any other supporting information to document the request. **NOTE:** The basic ADA elements are width, cross slope, running slope, surface (firm, stable and slip resistant to dry weather) and reach distance (both horizontal and vertical).

Recommendation:

Based upon the conditions presented, it is recommended that this be approved for the substandard ADA element.

Recommended By:

Design / Construction Manager

Recommended By:

Assistant Director / District Engineer

Approved By:

ADA Title II/Section 504 Coordinator

Date: