


Approved:

Effective: January 8, 2021
Review: October 22, 2020
Office: Design
Topic No: 625-020-015-i

DocuSigned by:

C7704ED8972C440...
Department of Transportation

AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS FOR ACCESS TO DEPARTMENT FACILITIES

AUTHORITY:

Sections [20.23\(3\)\(a\)](#) and [334.048\(3\)](#), Florida Statutes (F.S.).

REFERENCES:

49 CFR 27, Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance, as amended – U.S. Department of Transportation. www.ecfr.gov.

49 CFR 37, Transportation Services for Individuals with Disabilities (ADA) - U.S. Department of Transportation. www.ecfr.gov.

28 CFR 35, Nondiscrimination on the Basis of Disability in State and Local Government Services, as amended - U.S. Department of Justice. www.ecfr.gov.

Sections 553.501 - 553.514, F.S. - Florida Americans With Disabilities Accessibility Implementation Act and Accessibility by Handicapped Persons, as amended - Florida Department of Business and Professional Regulation. www.leg.state.fl.us/statutes.

Section 316.1955, F.S., Enforcement of parking requirements for persons who have disabilities - Florida Department of Transportation. www.leg.state.fl.us/statutes.

Section 553.5041, F.S. - Parking spaces for persons who have disabilities – Department of Business and Professional Regulation. www.leg.state.fl.us/statutes.

2012 Florida Accessibility Code for Building Construction, as amended (Based on the 2010 ADA Standards for Accessible Design) - Florida Department of Business and Professional Regulation. www.floridabuilding.org.

2010 ADA Standards for Accessible Design - U.S. Department of Justice.
www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.pdf.

2006 ADA Standards for Transportation Facilities - U.S. Department of Transportation.
www.access-board.gov/attachments/article/1417/ADAdotstandards.pdf.

FDOT Reference Documents:

Standard Plans for Road and Bridge Construction (Standard Plans)

This document may be found on the Department Web site at:
www.fdot.gov/design/standardplans/

FDOT Design Manual (FDM)

This document may be found on the Department Web site at:
www.fdot.gov/roadway/FDM/

FDOT Notice Under the Americans with Disabilities Act

This document may be found on the Department Web site at:
www.fdot.gov/roadway/ADA/Notice.shtm

FDOT ADA Grievance Procedure Under the Americans with Disabilities Act

This document may be found on the Department Web site at:
www.fdot.gov/roadway/ADA/ADAGrievance.pdf

FDOT Rule Ch. 14-46.001 FAC and the incorporated Utilities Accommodation Manual.

This document may be found on the Department Web site at:

<https://www.fdot.gov/programmanagement/utilities/>

PURPOSE:

The Mission of the Florida Department of Transportation (Department) is to "provide a safe transportation system which ensures the mobility of people and goods, enhances economic prosperity and preserves the quality of our environment and communities."

In support of the Mission, this Procedure is intended to guide the following ADA compliance-related activities:

- Ensuring Department facilities, roads, and structures provide accessibility and mobility for persons with disabilities in compliance with the ***Americans with Disabilities Act of 1990 (ADA)*** and the ***Florida Accessibility Code for Building Construction (Access Code)***;
- Managing the Department ADA compliance program;

- Assigning accessibility program responsibilities;
- Providing for employee/contractor awareness of responsibilities under the ADA;
- Limiting the Department's liability regarding accessibility for persons with disabilities;
- Encouraging a proactive role in the resolution of Department accessibility-related concerns; and,
- Providing a mechanism for prompt responses to requests for accessibility.

This procedure provides a framework for the following ADA-compliance related activities:

- Inspection of Department-owned and Department-operated facilities for ADA-compliant features;
- Ensuring that departmental policies, rules, procedures and standards meet the ADA and all applicable federal and state accessibility requirements;
- Management and continuing validation of the Department's ADA Transition Plan, dated December 16, 2019;
- Ensuring compliance with accessibility regulations for Department facilities;
- Conducting Quality Assurance Reviews (QAR);
- Maintenance of ADA compliance-related activity records (i.e., customer concerns with associated Department response/resolution).

The goal of the above efforts is to ensure Department operations, Fixed Capital Outlay facilities, and Work Program projects and structures are "accessible to and useable by" everyone, including individuals with disabilities, in compliance with the ADA and all applicable federal and state accessibility requirements (e.g., laws, rules, regulations, codes, standards, and guidelines).

SCOPE:

The ADA and all applicable federal and state accessibility requirements cover Department owned, occupied, operated, and maintained building facilities, leased facilities, public rights of way, roadways, bridge structures, supplemental facilities, and public transportation facilities on state rights of way.

This procedure guides the actions of the Department's State ADA Coordinator and District ADA Coordinators. The ADA Coordinators ensure the Department complies with the ADA and all applicable federal and state accessibility requirements for all Department facilities.

This procedure directs the following Department staff and related functional areas: designers; engineers; project managers; traffic operations office managers; freight,

logistics and passenger operations office managers; design consultants; district permits engineers; and state/district bicycle and pedestrian coordinators. Together, these personnel ensure Department projects are planned/scoped, designed, constructed, and maintained in compliance with the ADA and all applicable federal and state accessibility requirements.

This procedure directs Department construction project administrators, consultant project administrators, inspectors, and contractors. Together, these personnel ensure Department projects are constructed in compliance with the ADA and all applicable federal and state accessibility requirements.

This procedure directs Department project managers working on Local Agency Program (LAP) projects or Joint Participating Agreements (JPAs) with other state or local agencies. Together, these personnel and entities ensure LAP and JPA projects are conducted in compliance with the ADA and all applicable federal and state accessibility requirements. Further details of these responsibilities may be found in the **Stewardship and Oversight Agreement** between the Federal Highway Administration (FHWA), Florida Division and the Department.

This procedure directs Department maintenance project administrators and contractors. Together, these personnel ensure Department facilities are maintained in compliance with the ADA and all applicable federal and state accessibility requirements.

This procedure does not apply to employment issues (e.g., hiring, reasonable accommodation, promoting, discharging). Contact the Department's Human Resources Offices and Equal Opportunity Office regarding employment matters.

This procedure does not apply to municipal and county 'public transportation facilities' (i.e., terminals; fixed and key rapid, light, commuter, intercity, and high speed rail stations; intercity bus stations; airports; and boat and ferry docks), except when they are located on state rights of way or are funded with federal or state funds. Coordinate with the Department's Freight, Logistics and Passenger Operations Offices and local transportation authorities regarding accessibility to public transportation facilities.

This procedure does not apply to public transportation vehicles. Those facilities are addressed by the **ADA, Title II, Subtitle B, Public Transportation**. Contact the Department's Freight, Logistics and Passenger Operations Offices and local transportation authorities regarding accessibility to vehicle operations and services.

1. GENERAL INFORMATION

- 1.1 Federal law requires state and local governmental agencies to provide access to services, programs, and activities provided by the agencies. To comply with the ADA and all applicable federal and state accessibility requirements, the Department will provide access to Department services, programs, activities and, where appropriate, physical access to Department-owned and Department-operated facilities to all persons, including those with disabilities.
- 1.2 Within the Department's responsibilities under the ADA is the intent to provide a safe level of access to the Department's facilities for persons with disabilities.

2. ADA STANDARDS FOR ACCESSIBLE DESIGN

- 2.1 It is Department policy to apply the scoping and technical requirements of the ***ADA Standards for Accessible Design*** and the ***ADA Standards for Transportation Facilities***, where appropriate, as Department policy. See links for both publications in the ***References*** section.
- 2.2 Department staff, consultants, contractors, and LAP and JPA partnering agencies must comply with the ADA and all applicable federal and state accessibility requirements unless compliance would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burden. The Department Secretary, or designee, must justify and document any instance where it is determined full compliance is not feasible.
- 2.3 Compliance is ensured by the following Department efforts: Training staff in responsible offices, consultants, contractors, inspectors, local governments, and other agencies; Reviewing plans for accessibility features; Inspecting facilities for compliance with accessibility requirements; Conducting quality assurance reviews of district program implementation; and, Conducting compliance assessments of local agencies.

3. FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION (Current Adopted Edition)

- 3.1 The Department applies the scoping and technical requirements of the ***Florida Accessibility Code for Building Construction (Access Code)*** as Department policy. This document implements the ***Florida Americans with Disabilities Accessibility Implementation Act (Sections [553.501-553.514](#), F.S.)***, and incorporates applicable criteria from the federal ***ADA Standards for Accessible Design***.

3.2 Department staff, consultants, and contractors must comply, to the maximum extent feasible, with the ADA and all applicable federal and state accessibility requirements. Staff in responsible offices must receive training to review plans for accessibility features and inspect projects for compliance with accessibility requirements.

4. DEPARTMENT RESPONSIBILITIES

The Department is responsible for complying with the ADA and all applicable federal and state accessibility requirements. The Department has designated certain staff members to administer different levels of accessibility compliance. The following describes the responsibilities of these program participants:

4.1 State ADA Coordinator:

The State ADA Coordinator manages the Department's pedestrian facilities accessibility program at the state level. This position is responsible for administering the Department ADA compliance program.

The State ADA Coordinator works with the Equal Opportunity Office to coordinate accessibility issues with the Department's other non-discrimination programs (e.g., ***Title VI of the Civil Rights Act of 1964***).

The State ADA Coordinator coordinates with the Department's Central Office and district LAP staff to ensure subrecipients of federal transportation funds comply with appropriate ADA regulations in their programs.

The State ADA Coordinator develops and provides accessibility training and technical support to district staff, consultants, contractors, inspectors, and local agency representatives. The State ADA Coordinator keeps district staff up-to-date on current accessibility regulations and conducts Quality Assurance Reviews of district operations. Any potential deficiencies identified in a QAR are forwarded to the district office for verification and ultimate inclusion in their corrective action plan to bring the verified deficient element(s) into compliance. This information is posted on the Department's ADA website for public inspection and comment.

The State ADA Coordinator is the Department's representative for technical issues regarding public comments, concerns, complaints or legal actions on accessibility issues on pedestrian facilities within the state rights of way. The Department's architect in the Fixed Capital Outlay Office is the representative for technical issues related to the Department's building facilities. The two (2)

positions advise the Secretary, or designee, on technical compliance with the **ADA** and the **Access Code**.

4.2 District ADA Coordinators:

Each district has two (2) District ADA Coordinators, one for buildings and one for roadways, to manage the accessibility program at the district level. The District ADA Coordinators are responsible for assuring accessibility compliance on district Fixed Capital Outlay and Work Program projects by providing technical support, conducting project plans reviews, and training for district offices and staff. The District ADA Coordinators coordinate with each other, the State ADA Coordinator, district Title VI and LAP coordinators, plans reviewers, and others, as appropriate.

The District ADA Coordinators maintain a customer concerns log to manage and track all inquiries from receipt to resolution. The District ADA Coordinators also ensure that any potential deficiencies identified by the QAR are included in the district's corrective action plan.

4.3 Project Managers:

Ensure applicable accessibility compliance issues are addressed during Project Development and Environmental (PD&E), Design, and Production phases of construction projects through research and plans reviews; Coordinate with the District ADA Coordinators and other appropriate district offices (e.g., Public Transportation Office, Safety Office) to determine applicable requirements; Coordinate with design consultants to ensure their familiarity with the applicable accessibility requirements; Submit construction plans to the District ADA Coordinators, or designee, for review and comment prior to letting the work.

4.4 Project Administrators and Inspectors:

Ensure applicable components of accessibility requirements are followed during the construction phase of projects through inspection of projects; Coordinate with the District ADA Coordinators to determine applicable requirements; Coordinate with contractors to assure their familiarity with the applicable accessibility requirements; Confirm field changes do not reduce accessibility or violate accessibility requirements.

4.5 Public Information Office Staff:

Ensure Department issued or sponsored public documents (e.g., brochures, pamphlets, notices, maps) and communications (e.g., announcements, radio and

television advertisements, video tapes) are available in accessible formats and media. Accessible alternate formats may include: Large print documents, Braille documents, audio tapes of printed publications, computer disk of printed publications, audio-described videos, or closed-captioning on video tapes.

Ensure public meetings are held at venues that are fully accessible to and usable by persons with disabilities.

Coordinate with Central Office and district offices to ensure advertisements for Department sponsored public meetings include a notice that reasonable accommodations are available for those requesting them. Accommodations include those described above as well as sign language interpreting and open-captioning of spoken information, and audio-descriptions of visual information.

Ensure Internet and Intranet Websites developed by the Department, and documents posted on Web pages, are produced in a manner accessible to persons who have disabilities including those pertaining to vision, hearing, color perception, speech, cognition, manual dexterity, and reach. Web pages shall comply with requirements of Section 508 of the Rehabilitation Act, which recommends using the current version of the Web Content Accessibility Guidelines (WCAG) criteria from the World-Wide Web Consortium (W3C).

4.6 Public Transportation Office Staff:

Coordinate with project managers during PD&E, Design, and Construction phases of Department projects to ensure appropriate accessibility is provided to and at public transportation facilities on state rights of way.

5. COMPLIANCE

5.1 The Department has the responsibility pursuant to **Chapter 334, F.S.**, to regulate the design, construction, and operation of the state highway system. This responsibility includes ensuring that department policies, rules, procedures and standards comply with the ADA and all applicable federal and state accessibility requirements.

5.2 The Florida Department of Business and Professional Regulation has the responsibility under **Section 553.73, F.S.** for adopting minimum state building codes. The document describing the state accessibility requirements is the **Florida Accessibility Code for Building Construction (Access Code)**. The **Access Code** coordinates with the **Florida Building Code**, which covers additional 'life safety' elements for the design and construction of building facilities.

- 5.3** County and municipal governments are charged with local enforcement of the state minimum building codes for state-owned and state-leased buildings and facilities, including the ADA and all applicable federal and state accessibility requirements, pursuant to **Section 553.80, F.S.** Construction documents for building projects must be submitted to the local building official for plans review, permitting, and construction inspection for compliance with the **Florida Building Code** and the **Access Code**.
- 5.4** To facilitate local code authority review, building project construction documents may be submitted to the District ADA Coordinators, for building code and accessibility code reviews (e.g., progress reviews or “final” check), prior to submittal to the appropriate code official. Plans may also be sent to the State ADA Coordinator for review, if requested by the District ADA Coordinators.

6. PUBLIC REQUESTS/CONCERNS

- 6.1** The Department is responsible for providing appropriate responses to requests for information and any concerns from the public related to the **ADA**, the **Access Code**, and other accessibility issues. Refer to the Department's **FDOT ADA Grievance Procedure Under the Americans with Disabilities Act**. This may be found on the Department website:
<http://www.fdot.gov/roadway/ADA/ADAGrievance.pdf>.
- 6.2** Accessibility requests or concerns may be directed to the State ADA Coordinator and/or the District ADA Coordinator(s), who may coordinate with other responsible offices, as appropriate. Responses will describe the Department’s proposed action plan to satisfy/answer the request. The action plans include, as appropriate: Research into the subject issue(s); Documentation of existing conditions; Date(s) of construction; Available public right of way; Existing site constraints; Planning/preliminary engineering proposals; Design and/or construction actions to be taken; Proposed project development schedule; and Funding needs/resources.
- 6.3** Actions to address accessibility requests may include coordination with city and/or county agencies, metropolitan/transportation planning organizations (MPOs/TPOs), public transportation agencies, pedestrian/traffic safety offices, traffic engineering offices, public works, and engineering offices.
- 6.4** The State ADA Coordinator will provide a log of all customer comments/concerns and the associated resolution to the FHWA Florida Division annually by November 1.

7. RECORDKEEPING

- 7.1 Each District ADA Coordinators must maintain, for public review, a current copy of documentation describing the district's ADA compliance activities. Examples of documents to be retained are: Facility survey records, corrective action plans, barrier removal projects, responses to public comments/concerns, programs/policies modified to meet ADA, or publications offered in accessible formats.
- 7.2 The District ADA Coordinators will maintain their district's customer concerns log throughout each fiscal year so that it can be completed by October 1 annually. The District ADA Coordinators also ensure that any deficiencies identified in the annual inventory review (QAR) are included in the district's corrective action plan.
- 7.3 The State ADA Coordinator will maintain current copies of applicable laws, rules, regulations, codes, standards, and guidelines governing accessibility for persons with disabilities.

8. TRAINING

- 8.1 The Department will provide or make arrangements for ADA compliance training for Department staff, consultants, contractors, inspectors, local government, and other agency staff involved in projects or operations affected by accessibility issues.
- 8.2 Available ADA training for specialized work areas or specific project phases is listed on the Department's ADA website: www.fdot.gov/roadway/ADA

9. FORMS

- 9.1 There are two forms available for public reporting of accessibility deficiencies on the state road system:

625-020-06 – ADA Constituent Accessible Route Request

This form may be found on the FDOT Web site at:

<https://pdl.fdot.gov/api/form/downloadAttachment/10980976>.

625-020-05 – ADA Constituent Curb Ramp Request

This form may be found on the FDOT Web site at:

<https://pdl.fdot.gov/api/form/downloadAttachment/10980974>.