

Strategic Objective 4.2—Expand Access and Choice

Expand convenient, safe, and affordable transportation choices for all by emphasizing greater public engagement, fairness, equity, and accessibility in transportation investment plans, policy guidance, and programs.

PERFORMANCE OVERVIEW

The *Americans with Disabilities Act of 1990* (ADA) prohibits discrimination against persons with disabilities in all aspects of life, and applies to all entities, i.e., public or private regardless of funding source. Title II of the ADA applies to the entire operations of all stations in transit systems, airports facilities, intercity rail transportation system, and roadway facilities including sidewalks and pedestrian crosswalks. While many entities have developed ADA transition plans, implementation has been slowed by competing priorities for limited funds. DOT will provide guidance and assistance, to encourage ADA compliance in existing facilities. Also, the Department will integrate environmental justice principles into all Department planning and programming, rulemaking, and policy formulation.

In the 1950s, President Eisenhower expressed a vision for a modern highway system that would match the needs of our “growing population, our expanding economy, and our national security.” Planners and builders designed a national network that would move cars and trucks as efficiently as possible from one point to another. One devastating outcome of this approach was a decision made to route highways directly through the urban core of cities. These highways often went where housing values were lowest and where public resistance would be least problematic. As eminent domain powered the system into existence, many families and individuals were displaced and entire neighborhoods – often well-established low income and minority communities previously targeted for urban renewal efforts – were razed. Anti-discriminatory planning regulations were passed starting in the 1960s, but by then most of the damage had already been done. A national effort is needed to undo this legacy of dividing neighborhoods through highway building that even today forms a barrier to upward mobility and neighborhood revitalization efforts because cities are divide

DOT Operating Administrations: Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), Federal Transit Administration (FTA), Federal Railroad Administration (FRA), and Office of the Secretary (OST).

ADA Compliance (FHWA)

Overview

Under the Americans with Disabilities Act (ADA) and Section 504, public entities must ensure that all programs, activities, and services are examined to identify barriers to access for persons with disabilities. Every State is required by Section 504 and by the ADA, to have completed a self-evaluation and an ADA transition plan. A self-evaluation is an inventory of an entity’s facilities (e.g. sidewalks, curb ramps, detectable warnings) that identifies barriers in policies (e.g., public meetings in inaccessible locations), programs (e.g., sidewalks and curb ramps are both considered to be programs that are inaccessible to persons with disabilities, or, missing where they should have been constructed) and other activities and services that prevent access for persons with disabilities.¹ An ADA transition plan is the document that identifies the steps necessary to complete the changes identified in an entity’s self-evaluation to make its programs, activities, and services accessible. The plan describes in detail the prioritized actions an entity will take to make facilities accessible and a prioritized schedule for making the improvements. As of December 2015, 26 States had current ADA transition plans that include the public right-of-way and 26 States were in the development phase of completing their plans.

PERFORMANCE REPORT

ADA Compliance (FHWA)

Goal Description	2010	2011	2012	2013	2014	2015 Target	2015 Actual	Performance
States that have developed an Americans with Disabilities Act (ADA) transition plan that is current and includes the public right-of-way.	N/A	N/A	15(r)	17	24(r)	31	26	Not Met 

Progress Update

ADA transition plans are developed after a comprehensive inventory of a State’s buildings and facilities, including those facilities in the public right-of-way (PROW) such as sidewalks and curb ramps. The entire process, including the inventory, writing the plan, posting the plan on the State’s public website for comment, and review by the FHWA Division Office, takes approximately 18 to 24 months to complete. In some cases, the process can be even longer depending on the number of PROW facilities.

¹ All public entities with 50 or more employees agency-wide are required to develop a transition plan, and a copy of the plan is required to be made available for public inspection. Agencies with fewer than 50 employees should document in what is known as a program access plan, which summarizes the actions needed to correct the deficiencies identified in their self-evaluation. Section 504 contains similar requirements but has no employee threshold.

Although FHWA projected that 31 States would complete their transition plan in FY 2015, a number of States unexpectedly confronted one or more of the following obstacles that resulted in a significant delay in completing their plan: seriously constrained resources, issues or delays with consultants, and changes in personnel (e.g., loss of ADA coordinator). In response to these State-based challenges, FHWA developed a process involving a multidisciplinary working group of ADA subject matter experts and division office administrators to review transition plans that will ensure compliance with regulatory requirements and facilitate the States' completion of their plans. The new process was implemented in the Fall 2015, with a guidance memo issued to the field that provided the purpose and background of the process and explained the operations of the working group and the responsibilities of a new ADA Transition Plan review team. A detailed overview of the new process, along with FHWA's expectations of the State DOTs for completing their transition plans, were outlined in national webinars held in October and December for both FHWA Division Offices and State DOTs. FHWA will continue to provide States with any technical assistance or training that is needed to ensure they are submitting final draft ADA transition plans that meet the regulatory requirements, and, at the same time, focus on successful outcomes rather than process.

PERFORMANCE PLAN

ADA Compliance (FHWA)				
Goal	Indicator	FY 2016 Target	FY 2017 Target	
Improve accessibility on Public Rights of Way by increasing the number of State DOTs with ADA transition plans that include the Public Rights of Way to 48 by FY 2018	Number of State DOTs with ADA transition plans that include the Public Rights of Way.	32 (revised)	42	

Key Strategies and Next Steps

An additional 26 States are actively developing ADA transition plans, with the majority of those States projecting a completion date within the next 2 to 3 years. Further, FHWA is planning several webinars during 2016 that will provide technical assistance on best practices for expediting a State's completion of its transition plan. In addition, another webinar is being planned that will address the issue of what Division and State planners need to know about ADA and transition plans. Given that many ADA compliance issues involve addressing challenges that are not only civil rights-related, but also those that involve issues pertaining to the planning, project development, infrastructure and safety aspects of the transportation decision-making process, FHWA will continue to implement its ADA program in a multi-disciplinary manner. The Agency recently released a Question & Answer (Q&A) document that is a supplement to its technical assistance on resurfacing and curb ramp installation that was jointly issued with the U.S. Department of Justice in 2013. Some of the Q&As touch on what practitioners need to know about what should be placed on a recipient's ADA transition plan.

Goal Leaders


Irene Rico (Acting) Associate Administrator for Civil Rights, Federal Highway Administration

ADA Compliance (FTA)

Overview

ADA required that existing light rail, rapid rail, and commuter rail systems identify “key” stations that would be made accessible to and usable by persons with disabilities, regardless of other short- or long-term capital improvement plans. The deadline for completion was July 26, 1994; however, regulations provided for extensions through July 26, 2020 where extraordinarily expensive modifications or station replacement would be required. FTA continues to provide technical assistance to those transit systems that are still working to meet their extended deadlines for completion of their key station obligations.

PERFORMANCE REPORT

ADA Compliance (FTA)								
Goal Description	2010	2011	2012	2013	2014	2015 Target	2015 Actual	Performance
The number of key transit rail stations verified as accessible and fully compliant.	513	522	567	567	607	605	607	Met 

Progress Update

As of 2015, FTA has continued to exceed its target for key rail stations verified as accessible and fully compliant under ADA. Following the issuance of the Department’s ADA Final Rule on reasonable modification, FTA conducted a series of webinars to ensure that the transit industry was aware of the new requirements and prepared to implement them by the Rule’s effective date. FTA completed work on the ADA Circular during FY 2015, and published the full, 12-chapter document on October 5, 2015. The Circular provides detailed guidance to transit agencies on how to comply with the provisions of the DOT ADA regulations. The release of FTA’s ADA Circular represents a major milestone in assistance to the transit community. It thoroughly explains ADA requirements for public transit, providing real-life situations as examples of good practices for the transit industry to ensure accessible services for riders. The document does not amend or supersede the DOT ADA regulations; rather, it offers explanatory scenarios and sample templates, such as a rail station checklist for new construction and alterations.

PERFORMANCE PLAN

ADA Compliance (FTA)			
Goal	Indicator	FY 2016 Target	FY 2017 Target
Increase the number of key transit rail stations verified as accessible and fully compliant with ADA from 513 in 2010 to 605 in 2016.	Number of Key Rail Stations Verified as Accessible and Fully Compliant	605	605

Next Steps

To increase the number of key rail stations that are verified as both accessible and fully compliant under the ADA, FTA will:

- Continue to monitor progress on remaining key station work.
- Continue to review corrective actions for those key stations where work has been completed but deficiencies have been found.
- Continue to conduct verifications of those key rail stations that have been completed but have not yet been reviewed for compliance.
- Continue to provide research and technical assistance on best practices in transit asset management.

Goal Leaders

Linda Ford, Associate Administrator for Civil Rights, Federal Transit Administration


Accessible Intercity Passenger Rail Stations (FRA)

Overview

ADA requires that all intercity rail transportation system stations be readily accessible to and usable by individuals with disabilities, including those who use wheelchairs, as soon as practicable, but no later than July 26, 2010. Limited funding prevented Amtrak from meeting this deadline.

PERFORMANCE REPORT

Accessible Intercity Passenger Rail Stations (FRA)

Goal Description	2010	2011	2012	2013	2014	2015 Target	2015 Actual	Performance
Percent of intercity passenger rail stations that comply with the requirements of the ADA	N/A	N/A	less than 1% (r)	less than 3% (r)	N/A	17%	N/A	Not Met 

Notes: N/A = Not available. (r) = Revised.

Progress Update

ADA compliance projects were funded under the previous Amtrak capital grants program and the Capital Assistance for High Speed Rail Corridors and High-Speed Intercity Passenger Rail (HSIPR) programs. By the end of calendar year 2011, 95 percent of Amtrak stations had barrier-free access between platforms and trains and ADA-related design and construction work was under way at 110 stations. Amtrak did not make more progress as it reorganized its management structure and approach for addressing remaining accessibility issues.

PERFORMANCE PLAN

Accessible Intercity Passenger Rail Station (FRA)

Goal	Indicator	FY 2016 Target	FY 2017 Target
Improve access to rail transportation for people with disabilities and older adults by ensuring that 100 percent of intercity passenger rail stations* comply with certain requirements of the Americans with Disabilities Act by the end of 2020.** [Revised and Expanded]	1) Percentage of intercity passenger rail stations* that are functionally accessible. [New]	94%	96%
	2) Percentage of intercity passenger rail stations* that have accessible restrooms. [New]	87%	97%
	3) Percentage of intercity passenger rail stations* that have ADA-compliant passenger information display systems installed where required. [New]	84%	88%

* Where Amtrak is responsible for compliance.

** For the purposes of this goal, the following definitions apply—

- (1) Functionally accessible means that passengers have an accessible path from the public right of way to the train platform.
- (2) Accessible restrooms mean the station restrooms meet 2006 U.S. Department of Transportation standards, which provide minimum requirements for all facilities in a restroom to ensure all Americans, including those in wheelchairs, can use the facilities.
- (3) Passenger information display systems mean integrated messaging services that deliver synchronized audible and visual messages regarding train service (arrival and departure times, gate and track assignments, boarding locations, stops and train status) and general announcements (passenger paging, emergency messages, etc.).

Key Strategies and Next Steps

FRA’s National High-Performance Rail System, or NHPRS, contains two programs—Current Passenger Rail Service and the Rail Service Improvement Program—that support initiatives aimed at planning and developing high-speed and intermodal rail corridors and terminal areas, developing multi-modal stations, facilitating the standardization and procurement of rail equipment, and maintaining critical rail assets and infrastructure. Many of these initiatives, as well as projects currently underway, began under the previous Capital Assistance for High Speed Rail Corridors and HSIPR programs, as well as Amtrak’s capital and operating grants.

The Current Passenger Rail Service program supports efforts to bring all intercity passenger rail stations into compliance with the requirements of ADA. Additionally, ADA compliance projects were funded under the previous Amtrak capital grants program and the Capital Assistance for High Speed Rail Corridors and HSIPR programs.

FRA and Amtrak, with input from many stakeholders, have developed a new performance goal for tracking progress toward ADA compliance at intercity passenger rail stations. The focus is on projects that address significant accessibility challenges across the country. The goal has three indicators for these challenges: accessible paths from the public rights of way to the train platforms; restroom facilities that are usable by all Americans, including those in wheelchairs;

and integrated messaging services that deliver synchronized audible and visual train service messages. Specific activities supporting this objective include:

- Soliciting applications and awarding funding.
- Providing training and technical assistance to States and other stakeholders to aid in the successful development and implementation of high-speed and intercity passenger rail proposals.
- Developing tools for use in regional route planning and national- and corridor-level analyses of public benefits and costs of high-speed rail.
- Assisting Amtrak in prioritizing its ADA compliance plan and coordinating with third parties that share responsibility with Amtrak for ADA compliance.
- Overseeing Amtrak's implementation and compliance with ADA requirements.

Goal Leaders

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