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# Indiana Department of Transportation

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## 2013 Self-Evaluation and Updated ADA Transition Plan

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2/15/2013

A quantitative and qualitative analysis of all the programs and services offered by the Indiana Department of Transportation in accordance with the Americans with Disabilities Act of 1990, as amended (ADA).



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## **I. Introduction**

In August of 1992, the Indiana Department of Transportation (INDOT) completed its initial ADA transition plan of its facilities. The evaluation included a review of INDOT's equal employment opportunity statement and its employment practices and buildings. The 1992 transition plan did not include an evaluation of the State of Indiana's public rights of way.

In 2009, INDOT commenced a self-evaluation of its public rights-of-way. INDOT did not complete its self-evaluation or baseline assessment as planned because of staffing changes, which left the position of ADA Coordinator vacant for several months.

INDOT resumed conducting its ADA self-evaluation of its public rights-of-way in 2011. In 2012, INDOT published its first ADA transition plan that included a preliminary review of its public rights-of-way and a five-phase plan for completing its inventory of its public rights of way and implementing its plan.

INDOT completed the field evaluations of its public rights-of-way in 2013. This 2013 updated ADA transition plan reflects INDOT's good faith effort to continue to strive toward coming into compliance with the Title II of the Americans with Disabilities Act (ADA) and its implementation regulations.

The purpose of this self-evaluation is to examine INDOT's current facilities, policies and practices to identify and correct those items that create artificial access barriers for persons with disabilities. This ADA transition plan outlines the recommended procedures for implementing and scheduling remedial work needed to comply with the ADA.

This plan details the methods and procedures INDOT will use to monitor its activities and facilities for compliance with the ADA. INDOT will use this plan to determine under the ADA what changes it needs to make to its programs and/or the design and construction of its facilities to ensure persons with disabilities are not excluded from programs, services and activities because the programs or facilities are inaccessible.

INDOT recognizes that its ADA self-evaluation and transition plan are complementary and foresees that the data collected will assist the agency in accomplishing the following goals:

- Prioritizing sidewalk maintenance projects
- Budgeting for sidewalk projects
- Developing maintenance schedules and budgets
- Quantifying the extent of work required to bring the agency's facilities into compliance
- Communicating data and project plans with the public, especially individuals with disabilities

- Creating objective sidewalk information that INDOT can provide to users in various formats such as signage, maps and websites
- Adding pedestrian information to Geographic Information System (GIS) maps.

INDOT will periodically review and update its self-evaluation inventory and transition plan. The Title VI/ADA Program Manager and Title VI/ADA Liaisons will coordinate ADA reviews of INDOT's core program areas, districts and buildings on an annual basis. If the Title VI/ADA Program Manager determines that items need to be added or removed from INDOT's self-evaluation inventory of buildings and related elements or public rights of way, INDOT will update this transition plan.

## **II. Purpose**

The purpose of this plan shall be to:

1. Comply with the administrative requirements of the ADA and Section 504 of the Rehabilitation Act of 1973; and
2. Serve as an informational document for any persons interested in INDOT's ADA compliance efforts.

### **III. INDOT's Mission Statement**

INDOT will plan, build, maintain and operate a superior transportation system enhancing safety, mobility and economic growth.

#### **IV. INDOT's Responsibilities**

INDOT has many responsibilities. Chief among these is the maintenance of all interstates, U.S. routes and state roads that are in or cross through the state, including overpasses and ramps on these roadways. Construction and maintenance of these roads is also INDOT's responsibility along with traffic control devices along these roadways, including signs and traffic signals.

INDOT is not responsible for the maintenance of county, city or town roads except in special circumstances.<sup>1</sup> Local cities, counties and towns are responsible for all other roadways that are not a state road, interstate or U.S. route.

INDOT maintains 11,100 centerline and 28,500 total lane miles. The Indiana Toll Road is 157 miles in length. Indiana currently has 14 interstate highways; they are: I-64, I-65, I-69, I-70, I-74, I-80, I-90, I-94, I-164, I-265, I-275, I-465, I-469 and I-865. INDOT is responsible for maintaining nearly 6,000 bridges across the state. Additionally, INDOT also regulates approximately 4,500 rail miles. Furthermore, INDOT regulates more than 110 public access airports and more than 560 private access airports across the state.

INDOT's responsibilities also include the implementation of construction projects that include overseeing of the building of new roadways, resurfacing of others and the preservation of existing highways. Additionally, INDOT's responsibilities include construction and maintenance of traffic control devices along these roadways, including signs and traffic signals.

INDOT has six district offices across the state that handle day-to-day operations such as construction and detours, traffic signal operations, permits and maintenance operations (for example, filling potholes and plowing snow) along with various other responsibilities. These districts are further divided into sub-districts and units.

INDOT employs approximately 3,800 employees across the state, making it one of the state's largest agencies.

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<sup>1</sup> See Indiana code 8-23-1-16 and Indiana Code 8-23-1-17.

## V. **ADA Compliance Responsibilities**

### A. Commissioner

The Indiana Governor appoints INDOT's Commissioner. The Commissioner is responsible for organizing and administering INDOT. (See Indiana Code 8-23-2-2.0)

### B. INDOT Deputy Commissioner and Chief Legal Counsel

The Deputy Commissioner manages the Economic Opportunity and Prequalifications, Internal Affairs, and Legal Divisions of INDOT. As Chief Legal Counsel for the department, the Deputy Commissioner's responsibilities include: providing legal advice and assistance to the divisions and districts within the agency, investigating the legality of agency actions and validity of public complaints, drafting proposed legislation and administrative rules, researching and interpreting the law, preparing legal opinions, and attending and testifying at legislative committee hearings.

### C. Economic Opportunity and Prequalifications Division Director

The Economic Opportunity and Prequalifications Director is responsible for overseeing all aspects of INDOT's Disadvantaged Business Enterprise (DBE) certification services, contract compliance efforts and its Title VI/ADA program. The Director works toward maximizing contracting opportunities for disadvantaged businesses on INDOT contracts and ensures compliance with the Equal Employment Opportunity (EEO) provisions as required by INDOT contract and federal law. The Director's responsibilities include ensuring INDOT's compliance with the ADA and Section 504. The Director ensures that appropriate managerial and technical assistance is provided to DBE firms. The Director also oversees the prequalification of contractors and consultants. The Director is also the chair and a non-voting member of the Prequalifications Committee.

### D. Title VI/ADA Program Manager

The Title VI/ADA Program Manager is responsible for the oversight and coordination of INDOT's compliance with Title VI of the Civil Rights Act of 1964 (Title VI), the ADA and Section 504 and all related statutes, regulations, and directives. The Title VI/ADA Program Manager reports directly to the Economic Opportunity and Prequalifications Division Director and has independent access to INDOT's Chief Legal Counsel and Deputy Commissioner and Commissioner. General responsibilities of the Title VI/ADA Program Manager include:

1. Implementing INDOT's Title VI Implementation Plan and ADA Transition Plan;
2. Developing processes and procedures for the investigation of complaints filed under Title VI and the ADA;

3. Developing and implementing INDOT's Limited English Proficiency (LEP) Plan;
4. Preparing required reports;
5. Participating in the design, development and dissemination of ADA information to the public; and
6. Periodically updating INDOT's self-evaluation and transition plan.

## **VI. INDOT TITLE VI/ADA Interdisciplinary Team**

### **A. Mission**

The interdisciplinary team has a four-part mission, which includes the following:

- To use an interdisciplinary team approach to ensure compliance with Title VI and related nondiscrimination laws in the implementation of INDOT's programs and activities;
- To remove programmatic and architectural barriers from INDOT's programs and activities in accordance with the above-listed nondiscrimination laws;
- To ensure meaningful access to INDOT's services and programs to minorities, persons with limited English proficiencies and low-income persons; and
- To develop, continually review and update effective Title VI, ADA and LEP implementation plans for INDOT.

### **B. Methodology and Implementation**

The Title VI/ADA Program Manager shall actively solicit input and participation from INDOT division program area contacts who shall serve as Title VI/ADA Liaisons on an interdisciplinary team focused on ensuring nondiscrimination in all of INDOT's programs and activities.

### **C. Title VI Liaison Responsibilities**

The Title VI Liaisons shall:

- Foster awareness of INDOT's responsibilities under the ADA;
- Assist with conducting ADA evaluations of division program areas;
- Develop and maintain division procedures for the collection of data of participants in, and beneficiaries of INDOT programs, i.e. relocates, impacted citizens and affected communities;
- Participate in the development, revision and implementation of the self-evaluations and transition plan;
- Complete an annual division risk assessment for their respective division that identifies and prioritizes risk areas and the need to formulate mitigation strategies; and

- Prepare a yearly report of accomplishments within the division for the past year and state goals for the next year. The report shall be submitted to the Title VI/ADA Program Manager by August 30 for each federal fiscal year.

D. Interdisciplinary Team Members

<b>Name</b>	<b>Program Area</b>	<b>Phone</b>	<b>Email</b>
Adams, Scott	Real Estate Director	317-232-5000	<a href="mailto:scadams@indot.in.gov">scadams@indot.in.gov</a>
Albers, Mark	Crawfordsville District	765-361-5224	<a href="mailto:malbers@indot.in.gov">malbers@indot.in.gov</a>
Behling, K-Todd	LaPorte District	219-325-7539	<a href="mailto:kbehling@indot.in.gov">kbehling@indot.in.gov</a>
Eaton-McKalip, Kathy L.	LPA/MPO & Grant Administrator	317-234-5142	<a href="mailto:kaeaton-mckalip@indot.in.gov">kaeaton-mckalip@indot.in.gov</a>
Buckel, Larry	Multi-Modal Planning & Policy/Transit	317-232-5292	<a href="mailto:lbuckel@indot.in.gov">lbuckel@indot.in.gov</a>
Cales, Robert	Legal/Contract Administration Director	317-233-4794	<a href="mailto:rcales@indot.in.gov">rcales@indot.in.gov</a>
Clark, Jr., Rickie	Public Hearings Manager	317-232-6601	<a href="mailto:Rclark@indot.in.gov">Rclark@indot.in.gov</a>
Giller, Teresa	Legal/Attorney	317-232-6734	<a href="mailto:tgiller@indot.in.gov">tgiller@indot.in.gov</a>
Jittjumnongk, Brandi	Recruitment Consultant	812-895-7305	<a href="mailto:bjittjumnongk@indot.in.gov">bjittjumnongk@indot.in.gov</a>
Lawrence, Ben	Environmental Services	317-233-2093	<a href="mailto:blawrence@indot.in.gov">blawrence@indot.in.gov</a>
McGrannahan-Roberson, Linda	Communications Director	317-234-7175	<a href="mailto:lmcgrannahan@indot.in.gov">lmcgrannahan@indot.in.gov</a>
Miller, Mark	Operations/Construction Mgmt & Distr. Support	317-232-5456	<a href="mailto:mmiller@indot.in.gov">mmiller@indot.in.gov</a>
Myers, Dwane	Greenfield District	317-467-3465	<a href="mailto:dmyers@indot.in.gov">dmyers@indot.in.gov</a>
Schmidt, Dirk	Fort Wayne District	260-969-8287	<a href="mailto:dschmidt1@indot.in.gov">dschmidt1@indot.in.gov</a>
Johns, Janice	Research & Development/JTRP	765-463-1521	<a href="mailto:jjohns@indot.in.gov">jjohns@indot.in.gov</a>
Stoops, Ernie	Vincennes District	812-895-7390	<a href="mailto:estoops@indot.in.gov">estoops@indot.in.gov</a>
Ude, Jim	Seymour District	812-524-3729	<a href="mailto:jude@indot.in.gov">jude@indot.in.gov</a>
Wright, John	Highway Design & Technical Support	317-232-5147	<a href="mailto:jwright@indot.in.gov">jwright@indot.in.gov</a>

E. Title VI/ADA Liaison Working Groups

The working groups are subcommittees created as needed by the members of the Title VI/ADA interdisciplinary group to assist with the actual implementation of INDOT's Title VI/ADA Program goals within their respective districts, divisions and departments.

The working group members may also participate in resolving Title VI, ADA and Section 504 issues. Additionally, they may occasionally complete Title VI and ADA surveys for their respective program areas and projects.

## 1. ADA Technical Advisory Group

The Title VI/ADA Program Manager developed INDOT's self-evaluation with the assistance of an internal ADA Technical Advisory Group and INDOT's Title VI/ADA Liaisons. The group is an example of the type of working groups INDOT uses to address ADA issues. The Technical Advisory Group consists of the following members: John Wright, Director of Highway and Technical Support; Russ Brittain, Supervisor Roadway Engineer Review; and Richard VanCleave, Supervisor Roadway Standards and Policy. The technical advisory group also meets as needed to review and address technical questions regarding ADA issues that arise on INDOT projects. The technical advisory group periodically consults other INDOT staff as needed in resolving ADA design questions. Additionally, the Technical Advisory Group recognizes the value of seeking input from the Indiana Division Office of the FHWA. As such, the group occasionally meets with and consults the FHWA for advice on resolving complex ADA issues in design.

### F. ADA Community Advisory Working Group

In June of 2012, INDOT chartered an external community-based statewide ADA Community Advisory Working Group (ADA Working Group) composed of the Title VI/ADA Program Manager and individuals with disabilities, disability advocates and those who provide services to persons with disabilities.

INDOT chartered the ADA Working Group with 10 inaugural members. INDOT selected its inaugural members from a pool of 20 applicants who submitted letters of interest. INDOT made a good faith effort to ensure demographic diversity in the selection of working group members by selecting at least one member from each of the six INDOT districts.

Under the charter, membership is open to any individual; however, INDOT strongly encourages individuals with disabilities, disability rights advocates and organizations that service individuals with disabilities to consider submitting a letter of interest.

The duties of the ADA Advisory Working Group include the following:

- Reviewing and providing specific input regarding INDOT's ADA Self-Evaluation and Transition Plan;
- Recommending means and methods for INDOT to increase the public involvement of persons with disabilities in transportation planning;
- Providing specific information, input and recommendations regarding community accessibility concerns as they relate to transportation projects and pedestrian facilities within INDOT's jurisdiction; and
- Serving as a liaison between INDOT and the community.

The ADA Working Group plays an important voluntary consultative role in helping INDOT comply with the ADA. INDOT will maintain ultimate authority and control over decisions regarding its ADA compliance efforts.

The Title VI/ADA Program Manager is responsible for soliciting members throughout the state.

Selected working group members serve for a term of two years and up to two consecutive terms. The ADA Working Group meets at least quarterly in locations throughout the state. The ADA Working Group meetings last approximately two hours. INDOT will coordinate and facilitate each meeting. Furthermore, to facilitate transparency and document its public involvement efforts, INDOT will follow Indiana's Open Door Law, keep the minutes of each meeting and make the meeting minutes available for public inspection and comment.

Additionally, INDOT may include comments submitted by the ADA Working Group in subsequent revisions to its ADA Transition Plan.

Information regarding the ADA Working Group meeting agendas, locations and minutes are available on the INDOT website at: <http://www.in.gov/indot/3128.htm>. The charter and press releases are also available on the website. A copy of the ADA Working Group Charter is included in the Appendix.

The Title VI/ADA Program Manager coordinates with the Communications Division to disseminate press releases announcing each quarterly meeting of the ADA Working Group. The Office of Public Information (OPI), which the Communications Division manages, posts information regarding the quarterly ADA Working Group meetings on its website and the Title VI/ADA Program Manager regularly sends written correspondence to known disability rights advocates and organizations, service providers and interested persons regarding upcoming meetings.

## **VII. Standard and Methodology Used for ADA Field Evaluations**

### A. Overview

#### 1. Applicable Reference Codes, Standards and Guidance

##### a) Public Rights of Way

- Indiana Code
- INDOT Design Manual
- INDOT Standard Specifications (2012)
- General Instructions for Field Employees (2009 Interim Edition)

##### b) Buildings and Related Site Elements

- INDOT's Facility Management Guidelines

##### c) Communications (includes public involvement)

- Indiana's Section 508 Web Accessibility Coding Solutions and Requirements
- Section 508 of the Rehabilitation Act of 1973 as amended by 1998 the Work Force Investment Act (section 1194.22 and its subsequent amendments) as minimum requirements for web accessibility
- INDOT Public Involvement Procedures Manual (2012)
- Environmental Services Procedural Manual for preparing environmental documents (2008)
- INDOT Traffic Noise Policy Manual (2007)
- Federal Highway Administration (FHWA) Public Involvement Techniques for Transportation Decision-Making Document (1996)
- FHWA Environmental Justice Guidance Document

#### 2. Self-Evaluation

INDOT's completed self-evaluation shall include an analysis of all its programs and services, including communications, employment and its facilities.

INDOT plans to complete its ADA self-evaluation and implement its transition plan in five phases.

- Phase I Internal Program Evaluations

Status: Ongoing

INDOT conducts reviews of its major programs areas on an annual basis. The Title VI/ADA Program Manager reviews each program area assessment submitted by the Title VI/ADA Liaisons and consults the various Title VI/ADA Liaisons to discuss options for improving INDOT's ADA compliance efforts.

The 2012 internal reviews revealed that there is a continued need for internal training regarding the nondiscrimination requirements and data collection techniques to verify that INDOT is proactively preventing discriminatory outcomes in the delivery of its services and/or otherwise eliminating discrimination in its programs and activities.

The Title VI/Program Manager will continue to meet with the Title VI/ADA Liaisons and Interdisciplinary Team members to coordinate implementing the recommendations outlined in this Transition Plan. Furthermore, the Title VI/ADA Coordinator will assist the Title VI/ADA Liaisons and Interdisciplinary Team members in revising their policies, documenting their compliance efforts and collecting qualitative and quantitative data.

- Phase II Field Evaluations

Status: Completed

INDOT completed its self-inventory of its public rights-of-way in 2013. INDOT did not include resurfacing projects in the scope because ADA issues seldom arise during resurfacing projects. Pursuant to an agreement between INDOT and the Indiana Division of the FHWA dated December 14, 2009, the Indiana Division of the FHWA has not required INDOT to implement ADA upgrades to projects where surface treatments thickness is  $\frac{3}{4}$  inch or less. The agreement revised Indiana Design Manual section 51-1.08 and became effective March 3, 2010. See INDOT Design Memorandum No. 09-33 available at:

<http://www.in.gov/dot/div/contracts/standards/memos/2009/0933-pc.pdf>.

- Phase III Review of Sub-recipients for ADA Compliance via Annual Pre-Award Certification

Status: In Process

In March 2012, INDOT began requiring LPAs to complete the INDOT Pre-Award Annual Certification and Assurance (Pre-Award Certification) by June 30 for the following federal fiscal year (FFY) (October 1 –September 30). INDOT requires that LPAs complete the survey as a condition of being awarded federal financial assistance. The LPA must certify that it will provide information when required, and where applicable, it will conduct its programs and operate its facilities in compliance with all requirements imposed by or pursuant to 42 USC 2000d to 2000d-4, 49 CFR Part 21, 23 CFR 200, 49 CFR 27, 28 CFR Part 35, and 42 USC 12101-12213.

LPAs complete the Pre-Award Certification by registering for a User ID and Password for the INDOT Technical Application Pathway (ITAP). The Pre-Award Certification is a self-reporting tool accessible online via the following link: <https://itap.indot.in.gov/>.

INDOT will use the information the LPAs report via the Pre-Award Certification as an assessment tool to determine whether an LPA is in compliance with Title VI, the ADA and Section 504. INDOT will analyze the responses and use the information provided to ascertain instances where INDOT may be able to provide technical assistance to help LPAs fulfill their Title VI, ADA and Section 504 obligations and maintain compliance.

Based on the information received, INDOT may select LPAs who fail to complete the LPA Annual Pre-Award Certification & Assurance or who are otherwise in noncompliance for an onsite compliance review.

Additionally, INDOT will use the information provided to screen LPAs before letting to ensure that the LPAs have a complete self-inventory for their public facilities and if applicable, an ADA Transition Plan.

INDOT's Title VI/ADA Program Manager will coordinate with the LPA/MPO Grant Administration Division to monitor LPA compliance. INDOT will use its 18-month letting list to identify LPAs that fail to complete the Pre-Award Certification or do not have an ADA transition plan or inventory. LPAs identified as out of compliance will receive written notification of the need to come into compliance from the Title VI/ADA Program Manager. LPAs will have 10 calendar days to submit their Pre-Award Certification and demonstrate their good faith effort to comply with the ADA and other related nondiscrimination laws. LPAs that fail to voluntarily comply or show a documented good faith effort to comply will receive a final determination of noncompliance, a copy of which the Title

VI/ADA Program Manager will forward to the Indiana Division Office of the FHWA. Additionally, INDOT will defer the projects of LPAs that fail to comply pending the LPA coming into compliance.

The Title VI/ADA Program Manager will review the documentation submitted by the LPA and evaluate whether the LPA provided substantive evidence of making a good faith effort to comply with the nondiscrimination laws based on the following factors:

- Whether the LPA has a Title VI Coordinator who oversees the LPAs compliance with Title VI of the Civil Rights Act of 1964, and, if applicable, an ADA coordinator, responsible for overseeing compliance with the nondiscrimination laws as they relate to persons with a disability;
- Whether the LPA disseminates to participants, applicants, employees, unions and contractors/consultants a nondiscrimination policy statement that states that the LPA does not discriminate on the basis of disability in admission or access to, treatment or employment in its programs or activities;
- Whether the LPA notifies the public and other interested parties that the LPA will provide auxiliary aids, upon request;
- Whether the LPA has a grievance or complaint procedure that provides for prompt and equitable resolution of complaints (if applicable);
- Whether the LPA has developed and/or adopted accessibility standards, specifications and design details;
- Whether the LPA has a complete self-evaluation and inventory of all of its facilities, programs, policies and activities to evaluate whether there access barriers for persons with disabilities; and
- Whether the LPA has a plan for removing the access barriers identified in its inventory that includes a budget and schedule for improvements.

In the summer of 2013, INDOT will commence conducting compliance reviews of its LPAs throughout the state. INDOT will select a few LPAs for review giving priority to conducting compliance reviews with LPAs who have transportation projects with the greatest potential impact on those groups covered under Title VI, the ADA and Section 504. Additionally, INDOT will

select LPAs for review based on documented specific evidence of existing or suspected noncompliance.

The LPA Annual Pre-Award Certification outlines the basic requirements to ensure nondiscrimination in LPA transportation projects and is a preview of the process, procedures and policies and that INDOT expects an LPA to follow in the event INDOT's EOD selects an LPA for a compliance review. INDOT will report the information collected to the FHWA.

- Phase IV Review and Map Upcoming Projects to Incorporate ADA Compliance into the Early Stages of INDOT Projects

Status: In Process

The Title VI/ADA Program Manager will consult with Long Range Planning, Modeling & Traffic Counting and Environmental Services to coordinate the inclusion of the self-inventory and ADA Transition Plan findings in the planning process. Furthermore, INDOT will develop a procedure to address the required ADA Transition Plan improvements through the asset management process.

- Phase V Summary of Baseline Compliance

Status: In Process

When INDOT commenced its ADA self-inventory in 2011, the agency expected to complete the inventory of its public rights-of-way by the close of 2012; however, the district personnel did not complete the district field evaluations until mid-January 2013.

As such, INDOT did not have complete data at the time of this report to provide a complete analysis of the ADA self-inventory. Therefore, INDOT will supplement this ADA Transition Plan in 2014 with the complete analysis of the data collection.

## B. Field Evaluations

### 1. Inventory Methodology

The purpose of the field evaluation of INDOT's facilities is to create a baseline of existing pedestrian facilities within the state.

### 2. Summary of Areas Surveyed and Priorities

#### a) Roadway Segments

### Level 1 (High Priority)

- Major roadways and intersections along arterials and thoroughfares with a minimum 80-foot wide right of way; and
- Intersections and roadway segments serving Level 1 buildings such as:
  - State owned buildings
  - Schools (approximately ¼ mile radius for the main streets)
  - Hospitals, health clinics and health centers
  - Public housing and homeless shelters, including senior facilities and rehabilitation facilities
  - Law enforcement facilities
  - Transportation hubs (bus lines and transit stations)
  - State parks
  - Prisons

### Level 2 (Intermediate Priority)

- Streets with a minimum 60-foot wide right of way and other roadways and intersections along these highways; and
- Intersections and roadway segments serving Level 2 buildings such as:
  - Shopping malls, supermarket and strip retail centers
  - Major employments sites
  - Housing complexes, including apartments

### Level 3 (Low Priority)

- Single family residential areas;
- Industrial areas; and
- Any area not classified as Priority Level 1 or 2

## b) Buildings and Related Site Elements

INDOT conducts ongoing building assessments; however, this report shall not include buildings that do not provide programs, services or activities to the public and are restricted to authorized personnel.

## 3. Public Rights-of Way ADA Field Evaluation

A completed ADA field evaluation consists of: (1) a detailed review of the project plan and design; (2) an onsite visit to the location; and (3) a team of trained ADA field evaluators using a detailed survey questionnaire to capture the measurements of specific elements to evaluate ADA compliance in accordance with the applicable design standards. A copy of the ADA field evaluation form used by INDOT is included in the Appendix.

INDOT completed the ADA field evaluation forms manually at the district level. Electronic copies of the ADA evaluation forms are stored in SharePoint. The EOD staff input information and findings entered into an Excel spreadsheet for review. INDOT is in the process of developing an application that will allow field evaluators to enter data directly into INDOT's computerized Work Management System (WMS). WMS is INDOT's official inventory system used to record and monitor all of INDOT's assets exclusive of its fleet vehicles. Initially, INDOT planned to have the WMS operational in 2012; however, because of limited staffing, INDOT did not complete the development of the WMS application on schedule.

As INDOT remedies the ADA deficiencies identified during the self-evaluation, INDOT will update its self-inventory. Additionally, INDOT's Title VI/ADA Program Manager will periodically update INDOT's transition plan to include information showing INDOT's compliance efforts.

INDOT's ADA field evaluation team members evaluated each facility under the requirements of the 2010 ADA standards and where the 2010 ADA standards were silent, as a best practice, they used the Proposed Accessibility Guidelines for pedestrian facilities in the Public Right of Way (PROWAG). Currently, the PROWAG is in the rulemaking stage; however, FHWA has indicated that that the PROWAG may be used as a best practice for areas not fully addressed by the ADAAG. The PROWAG is not the standard. It cannot become the standard until it is adopted by the U.S. Department of Justice and the U.S. Department of Transportation. The PROWAG is consistent with the ADA's requirement that all new facilities (and altered facilities to the maximum extent feasible) be designed and constructed to be accessible to and useable by people with disabilities.

## 4. ADA Data Collection Items

The ADA field evaluation teams collected and analyzed the following data during the pilot project:

a) Roadway Segments

Crosswalks

- Whether crosswalks are present at any or all crossings
- If present, the width, type, islands and access for persons with disabilities

Curb Ramps

- Whether curb ramps are present at any of the corners within the intersection
- Whether truncated domes are present
- If truncated domes are present, the dome location, size, type and color
- Slopes (Running, Cross, Side, Transition)
- Whether or not the surface is slip resistant
- Width

Directional Corner of Intersection

- NE, SE, SW, NW (assigned within the nearest 45 degrees)

Intersection Geometry

- Whether the intersection is a standard right angle, T-shaped, Y-shaped, skewed or any other irregular geometry
- Whether there are pedestrian islands and right turn lanes

Islands

- If present, whether there are curb ramps and push buttons

Obstructions and Obstacles

- Whether there are abrupt changes in sidewalk level of greater than ½ inch, paving obstructions or accessibility obstacles immediately adjacent to the

corner. Evaluators will record information regarding any obstacles near a corner (e.g. utility pole, traffic light pole, drain inlet, fire hydrant, street furniture and newsstands.)

#### Pedestrian Signals

- Whether visual and accessible pedestrian signals are present
- If present, the type, size, height and location of the actuator buttons
- The location parameters
- Whether the pedestrian push button is parallel to the crosswalk alignment

#### Sidewalks

- Whether a sidewalk leading to and from the curb is present
- If present, the paved sidewalk width at the intersection

#### b) Buildings and Related Site Elements

##### Accessible Approach and Entrance

- Whether the route of travel (exterior path that a person with a disability must take to access the good and services) is accessible
- Whether the parking and drop off areas are accessible

#### 5. Self-Evaluation Database

Upon completion of the updates to WMS, INDOT self-evaluation data shall be maintained using INDOT's official inventory and asset management system.

#### 6. Field Evaluator Duties

The basic duties for sidewalks and intersections include:

- Traveling to the assigned project area;
- Visually inspecting, measuring and recording observations using a calibrated level (digital or electronic), a 25-50 foot tape measure and standard data collection form;

- Reporting to the Title VI/ADA Program Manager at regular intervals or when the assigned locations were completed, returning completed data forms and obtaining new assignments; and
- Exercising sound discretion and judgment consistent with the ADA and INDOT's policies when encountering unusual circumstances.

## VIII. Summary of INDOT Self Evaluation Findings

In the 2010 Civil Rights Program Assessment Report (Assessment Report) of INDOT that included 28 questions related to the ADA and Section 504, FHWA rated INDOT as needing improvement in several areas.

Specifically, FHWA rated three of the 28 items evaluated as red (noncompliant), 14 as yellow (needs improvement) and 11 as green (operating in according to regulatory requirements).

FHWA made the following recommendations to INDOT to bring the agency into compliance with the regulatory requirements:

- Establish specific timelines and actions needed to complete the task of completing an ADA Self-Inventory and Transition Plan;
- Coordinate with MPOs to clarify the requirements for ADA Transition Plans, update the local guidance document of procedures and ensure all public facilities, projects and programs are accessible to persons with disabilities;
- Draft and disseminate a 504/ADA nondiscrimination policy statement;
- Complete an ADA self-inventory of current services, policies and practices to determine if modifications are necessary to achieve/improve program accessibility;
- Complete and ADA Transition Plan; and
- Monitor sub-recipient ADA and Section 504 compliance.

In the two years since receiving this report from FHWA, INDOT has continued to strive to improve its compliance efforts; however, the agency recognizes that there is still a continued need for improvement.

Of the recommendations include in the report, INDOT has made substantial progress in meeting the two recommendations identified as most important by the FHWA. The first recommendation was to complete an ADA Transition Plan. INDOT updated its ADA transition plan in 2012. INDOT made the plan available for public comment in 2012. INDOT continues to work aggressively toward updating and implementing its ADA Transition Plan. The second recommendation was to monitor and audit INDOT sub-recipients. As previously mentioned in this Transition Plan, INDOT commenced reviewing its LPAs for ADA and Section 504 compliance in 2012. Additionally, INDOT is in the process of developing additional means for conducting more intensive audits of its sub-recipients for ADA and Section 504 compliance.

INDOT revisited the FHWA report and the Technical Assistance Tool used to gather data for the report in preparing this 2013 ADA Transition Plan Update. INDOT completed the ADA/Section 504 Technical Assistance Tool that appears in this plan using its own best judgment without consultation with the FHWA based on the results of its internal reviews of its core programs and activities.

## **State Transportation Agency (STA) Responsibilities**

<b>A. General Requirements (Subpart A and B):</b>	<b>Yes</b>	<b>No</b>	<b>?</b>
1. Does the STA have a 504/ADA coordinator? (28 CFR 35.107(a) & 49 CFR 27.13(a))	✓		
2. Does the STA have an internal grievance procedure that allows for quick and prompt solutions for any complaints based on alleged noncompliance with 504/ADA? (Note: "Grievance procedure" refers to a process for external complaints) (28 CFR 35.107(b) & 49 CFR 27.13(b))	✓		
3. Does the STA keep on file for at least one year all complaints of noncompliance with ADA and 504 received? (49 CFR 27.121(b))	✓		
4. Has the STA drafted and disseminated to participants, applicants, employees, unions, and contractors/consultants a non-discrimination policy statement that states that the STA does not discriminate on the basis of disability in admission or access to, or treatment or employment in its programs or activities? (28 CFR 35.106 & 49 CFR 27.15)	✓		
5. Does the non-discrimination policy statement also identify the name, title, office address and office telephone number of the 504/ADA Coordinator? (28 CFR 35.107(a) & 49 CFR 27.15(a) and (b))	✓		
6. Has the STA conducted a self-evaluation of its current services, policies, and practices, and the effects thereof, to determine necessary modifications to achieve program accessibility? (28 CFR 35.105 & 49 CFR 27.11(c)(2)(i-v))	✓		
7. If so, did the STA provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments? (28 CFR 35.105(b) & 49 CFR 27.11(c)(2))	✓		
8. Has the recipient established a system for periodically reviewing and updating the evaluation? (49 CFR 27.11 (c)(2)(v))	✓		
9. Does the STA maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities? (Note: includes STA buildings and public rights-of-way facilities such as sidewalks, curb ramps and accessible pedestrians signal) (28 CFR 35.133)	✓		
10. Does the STA monitor sub-recipients who receive STA assistance (local governments, contractors, consultants) to ensure compliance with Title II ADA and 504 with respect to STA funded (both Federal and State) projects and programs that the sub-recipients implement? (28 CFR 35.130 (b)(1)(v) & 49 CFR 27.7 (V))	✓		
11. Does the STA provide a written assurance to the FHWA that it will not discriminate on the basis of disability in the provision of its programs, services, activities, and facilities, and that it will be in compliance with Section 504 and all of its requirements? (Note: this can be included in the Title VI assurance to FHWA) (49 CFR 27.9)	✓		

<b>B. Program and Facility Accessibility ( Subpart D)</b>		<b>Yes</b>	<b>No</b>	<b>?</b>
<b><i>Title II ADA Transition Plan Requirements</i></b>				
1.	Has the STA developed and implemented a transition plan that outlines which structural modifications must be made to those programs and services that are not accessible? (28 CFR 35.150(d) & 49 CFR 27.11)			✓
2.	Has the STA also developed a curb ramp installation schedule as part of the transition plan for pedestrian facilities it owns, operates and/or maintains? (28 CFR 35.150(d)(2))		✓	
3.	If so, did the STA provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the transition plan process by submitting comments? (28 CFR 35.150(d)(1) & 49 CFR 27.11)(c)(2))	✓		
4.	Is the transition plan available for public inspection? (28 CFR 35.150(d)(1) & 49 CFR 27.11)	✓		
5.	Has the STA modified any policies or practices that do not meet Section 504 according to a schedule or sequence that includes milestones or measures of achievement? (49 CFR 27.11 (c)(2)(iii))			✓
6.	Has the STA taken appropriate remedial steps to eliminate the effects of any discrimination that resulted from previous policies and practices? (49 CFR 27.11 (c)(2)(iv))	✓		
7.	Does the STA have a process to analyze an existing program, service or benefit for determinations of “undue” financial or administrative burdens, or fundamental alteration to the program, service or benefit that comports with the criteria for making such determinations in 28 CFR 35.150 (a)(3) and 28 CFR 35.164? (Note: A process to conduct undue burden determinations is not required but is a best practice. However, the documentation of an undue burden determination by an STA is required by these regulations)			✓
8.	Does the STA build new facilities and alter existing ones (both pedestrian ROW and STA buildings) in accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Appendix A of 49 CFR 37? (28 CFR 35.151 (c) and 49 CFR 27.3 (b))	✓		
9.	Does the STA have a process and procedure for the installation of accessible features on the pedestrian rights-of-way (curb ramps, accessible pedestrian signals, etc.)?	✓		
10.	Does the STA provide accessible highway rest areas and pedestrian underpasses, overpasses and ramps that are newly constructed or altered with Federal aid? (49 CFR 27.75)	✓		
11.	Does the STA have a process for making technical infeasibility determinations for new construction and alterations that comports with the criteria in ADAAG 4.1.1 (5) and 4.1.6(J)?			✓
12.	Does the STA install curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway, when streets, roads, highways or crosswalks are newly constructed or altered, or when the crosswalk is constructed with Federal aid? (28 CFR 35.151 (e)(1)(2) and 49 CFR 27.75 (a)(2))	✓		
13.	Is the STA installing detectable warnings in the form of truncated domes in curb ramps when roadways with pedestrian facilities are altered? (ADAAG 4.29 and FHWA policy guidance (May 2002))	✓		

Explanations:

Item Number 2:

Although INDOT completed the field evaluations of its facilities, it has not completed inputting the data into an appropriate database to review and analyze the information collected by the field evaluators. Currently, EOD staff must manually input the data collected by the field evaluators. Once the EOD staff completes inputting the data into the database INDOT will generate a curb ramp schedule that includes:

- A list of prioritized specific locations targeted for retrofit;
- Dates for retrofits will begin and the actual date of completion of the retrofit;
- A schedule for any other related accessible features; and
- Data regarding the estimated cost and actual cost of the retrofits.

Upon completion of the updates to WMS, the information will be imported into INDOT's official inventory and asset management system.

Item Number 5:

INDOT is in the process of modifying several of its policies, practices and manuals to comply with the ADA or Section 504, including the INDOT design manual, design standards, planning and Environmental Services National Environmental Policy Act (NEPA) Process. INDOT has and will continue to collaborate with the Indiana Division Office of FHWA in this effort.

Item Number 7:

INDOT does not have a process to analyze an existing program, service or other benefit for determinations of undue financial or administrative burdens, or fundamental alteration to the program, service or benefit that comports with the criteria for making such determinations in 28 CFR 35.150(a)(3) and 28 CFR 35.164. Although a process is not required under the law, INDOT recognizes that since the agency would be required to provide documentation of any undue burden determination, it would be a best practice to have an established procedure. INDOT is in the process of developing such a process.

Item Number 11:

INDOT does not have a process for making technical infeasibility determinations for new construction and alterations. INDOT is in the process of developing such a process.

<b>C. Communications (Subpart E)</b>	<b>Yes</b>	<b>No</b>	<b>?</b>
1. Does the STA provide auxiliary aids (sign language interpreters, readers, Braille, large print text) upon request, to STA program participants with disabilities? (28 CFR 35.160 (b)(1) and 49 CFR 27.7(c))	✓		
2. Does the STA notify the public and other interested parties that auxiliary aids will be provided, upon request (e.g., via public meeting announcement)? (28 CFR 35.160 (a), 28 CFR 35.163 (a), and 49 CFR 27.7(c))	✓		
3. Is the STA website and all of its contents accessible to individuals with hearing or visual impairments? (28 CFR 35.160 (a), 28 CFR 35.163 (a), and 49 CFR 27.7(c))	✓		
4. Can hearing impaired individuals contact the STA via TTD/TTY phone line or an equally effective telecommunications system such as a relay service? (28 CFR 35.161 and 49 CFR 27.7(c))	✓		

INDOT continues to refine the assessment tool developed in 2011 to monitor its core program areas and assist the Title VI/ADA Program Manager and Directors in reporting their respective division compliance efforts.

As part of the assessment process, all core division and program areas submit an annual report to the Title VI/ADA Program Manager to be used as an assessment tool to determine whether the division/program area is in compliance with the ADA and to ascertain instances where the Title VI/ADA Program Manager may provide training and technical assistance to help the division/program area achieve its goals and maintain compliance. Furthermore, the Title VI/ADA Program Manager periodically reviews the data collection procedures for each division/program area to ensure compliance with the ADA. Title VI/ADA Liaisons prepare and submit their respective reports annually by August 30.

A summary of INDOT's findings for 2012 appears below.

A. ADA/504 Coordinator

The ADA/504 Coordinator is Latosha N. Higgins, Title VI/ADA Program Manager. The ADA/504 Coordinator office is located at 100 N. Senate Avenue, N750, Indianapolis, IN 46204.

B. Assurances

INDOT's ADA assurances are included in its Title VI Assurances. Under its Title VI Assurances, INDOT guarantees that it will comply with Title VI of the Civil Rights Act of 1964 and all related laws such that no person in the United States shall on the grounds of race, color, sex, age, national origin, disability, or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which INDOT receives federal financial assistance from the United States Department of Transportation (DOT) including the FHWA. Additionally, INDOT's contracts and agreements with sub-recipients include a statement of written assurance by the sub-recipient that it will comply with the law and not discriminate based on disability in any of its programs, services, activities, or benefits extended to participants.

To ensure sub-recipients are aware of their duty to comply with Section 504, INDOT offers training and workshops throughout the state, includes relevant information on its website and conducts periodic reviews of its contractors and sub-recipients.

### C. Public Notice of Nondiscrimination

INDOT continues to use its 2011 Notice of Nondiscrimination under the ADA and Section 504. INDOT's Title VI/ADA Program Manager will update the Notice of Nondiscrimination under the ADA and Section 504 when necessary to reflect a change in the Commissioner and/or Title VI/ADA Coordinator. It is INDOT's policy to update its notice of nondiscrimination if there is a change in the Commissioner, Title VI/ADA Program Manager or ADA/504 Coordinator. INDOT's notice of nondiscrimination is available on its website at:

<http://www.in.gov/indot/files/NondiscriminationNotice.pdf>.

Furthermore, INDOT provides a copy of its notice of nondiscrimination to all new hires. INDOT also distributes copies of the nondiscrimination notice at recruitment fairs, to scholarship applicants and to anyone who requests a copy. INDOT is constantly exploring new and varied ways to disseminate its notice of nondiscrimination.

### D. Complaint Process

INDOT's external complaint form and a brief description of the complaint procedures are available online and in print. INDOT's complaint process includes due process protections for the complainant and the respondent and provides for prompt and equitable resolution of complaints.

Under its complaint policy, INDOT will promptly investigate all properly submitted complaints of alleged discrimination. INDOT will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint. INDOT will submit its final investigative report to FHWA within 60 days of receiving a complaint. INDOT's complaint process provides a procedure for appeal of all unsubstantiated claims of discrimination.

#### 1. Complaint Investigation Procedures

The Title VI/ADA Program Manager will make a determination to accept, reject or refer to the appropriate federal/state agency a complaint within seven calendar days of its receipt. INDOT will determine whether the person or entity purportedly engaged in the alleged discriminatory act is an INDOT sub-recipient (the legal entity to which a sub-award is made and which is accountable to INDOT for the use of the funds provided). If the complaint does not specifically mention that the alleged discriminatory actor is an INDOT sub-recipient, INDOT may presume so in deciding whether to accept the complaint for further processing.

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and its related statutes, regulations and directives, the ADA and Section 504. These procedures do not affect the right of the Complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant.

INDOT will make every effort to facilitate a voluntary early resolution of complaints at the lowest level possible. The option of informal resolution may be used at any stage of the process. The Title VI/ADA Program Manager will make every effort to pursue a resolution of the complaint.

The Title VI/ADA Program Manager will refer all complaints against INDOT to the FHWA or the appropriate Federal agency.

## 2. Who May File a Complaint

Any person who believes that he or she has been excluded from participation in, denied the benefits of or otherwise subjected to discrimination under any INDOT service, program or activity whether federally funded or not, based on their race, color, national origin, gender, age, disability, religion, ancestry, income status or Limited English Proficiency may file a complaint. A complaint may also be filed by a representative on behalf of such a person.

## 3. Timeliness of Complaints

For a complaint against INDOT or a sub-recipient to be considered timely, it must be filed within 180 calendar days after the alleged incident has occurred. INDOT may waive the 180-day time limit for good cause at its discretion.

The file date of a complaint is the earlier of the postmark or date received by INDOT.

INDOT will determine on a case-by-case basis whether to waive the time limit for good cause. Good cause for a waiver shall include the following instances:

- Lack of Knowledge
  - INDOT may waive the time limit in situations where the person on whose behalf the complaint was filed did not know of and could not have reasonably known of the violation during the 180-day time limit. The complaint must be filed within 60 days of complainant becoming knowledgeable of the violation.

- Incapacitation
  - INDOT may also waive the time limit in situations where the person on whose behalf the complaint was filed was incapacitated because of illness or other incapacitating circumstances. The Complainant must provide independent documentation of the purported incapacitation. The complaint must be filed within 60 days after the period of incapacity ends.

#### 4. Location/Availability of Complaint Forms

INDOT will make complaint forms available online via the INDOT website, in all district offices and at all rest parks. Additionally, persons may contact the Title VI/ADA Program Manager to request a copy of the complaint form via email, facsimile or United States mail. INDOT's Title VI/ADA Program Manager shall provide copies of its complaint form in alternative formats upon request.

#### 5. How to File a Complaint?

A complainant may file his or her complaint by mail, facsimile, or email. Any person with a disability may request to file his or her complaint using an alternative format. INDOT will acknowledge complaints received by fax or email and will process them once INDOT establishes the identity of the Complainant. Complainants must mail a signed, original copy of the fax or email transmittal to INDOT to begin the complaint process. INDOT does not require a Complainant to use the INDOT complaint form for submitting his or her complaint.

Title VI complaints should be directed to:

Latosha N. Higgins  
Title VI/ADA Program Manager  
Economic Opportunity Division  
Indiana Department of Transportation  
100 N. Senate, Room N750  
Indianapolis, IN 46204  
[lhiggins@indot.in.gov](mailto:lhiggins@indot.in.gov)  
(317) 234-6142 (Phone)  
(317) 233-0891 (Facsimile)

#### 6. Elements of a Complete Complaint

A complete complaint is written and signed. INDOT must reduce verbal complaints to writing and provide them to the Complainant for confirmation, review and signature before processing. The complaint form is available for download from the INDOT website at: <http://www.in.gov/indot/2750.htm>.

Additionally, a complete complaint is filed within 180 calendar days of the alleged discriminatory act(s) and includes at minimum the following information:

- The full name and address of the Complainant;
- The full name and address of the Respondent (the individual, agency, department or program that allegedly discriminated against Complainant); and
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age or disability) and the date of occurrence.

The following items are not acceptable as a complete complaint unless accompanied by a signed cover letter that specifically requests INDOT take action concerning the allegations:

- Anonymous complaints
- Inquiries seeking advice or information
- Newspaper articles
- Courtesy copies of court pleadings
- Courtesy copies of complaints addressed to other agencies
- Courtesy copies of internal grievances
- Oral complaints

The Title VI/ADA Program Manager shall notify the Complainant in writing if his or her complaint is incomplete and allot 15 calendar days for the Complainant to respond and provide the supplemental information needed to complete the complaint.

## 7. Processing Complaints

The Title VI/ADA Program Manager will process all complaints. The Title VI/ADA Program Manager is responsible for:

1. Maintaining a log of all complaints. The Title VI/ADA Program Manager will note the complaint in the log by sequential case number based on the year, month and order in which INDOT received the complaint. For example,

if INDOT received its first complaint on March 4, 2013, the case number would be 2013-03-01.

2. Acknowledging receipt of the complaint and informing the Complainant of the action taken or proposed action to be taken to process the complaint in the form of an acknowledgement letter. The acknowledgement letter shall include a restatement of the complaint, brief statement of INDOT's jurisdiction over the sub-recipient, and contact information for the investigator assigned to conduct the investigation.
3. Providing written notice of the complaint to the FHWA within 10 working days of receipt of the complaint.
4. Forwarding a notice via certified mail to the Respondent informing them of the allegations, requesting a position statement and providing the name and telephone number of the Title VI Program staff person assigned to investigate the complaint.
5. Informing the Complainant that he or she has a right: (1) to have a witness or representative present during any interviews and (2) to submit any documentation he or she perceives as relevant to proving the allegations contained in the complaint.
6. Providing the Respondent an opportunity to respond to all aspects of the Complainant's allegations.
7. Determining which witnesses will be contacted and interviewed.
8. Contacting the Complainant at the conclusion of the investigation to provide the Complainant an opportunity to provide additional information before INDOT prepares its final report to be forwarded to FHWA.
9. Writing a confidential investigative report (IR) and forwarding a copy of the same to the FHWA. The IR shall not be disclosed to the Complainant or Respondent. The IR shall include the following:

- A summary of the written complaint;
- A brief description of the standard of review/methodology used to investigate the complaint;
- Summarized statements taken from witnesses;
- Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent's position;
- A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated; and
- Proposed corrective action for substantiated cases.

10. Drafting a Letter of Findings (LOF) and mailing the LOF to the FHWA, Respondent and Complainant (by certified mail) within 60 calendar days of the date INDOT received the complaint. The LOF will include the following:

- A summary of the written complaint;
- A brief description of the standard of review/methodology used to investigate the complaint;
- Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent's position;
- A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated;
- Proposed corrective action for substantiated cases; and
- A notice of the right to appeal to the FHWA with an outline of the procedures for appeal.

## 8. Corrective Action

If INDOT recommends corrective action, INDOT will give the Respondent 30 calendar days to inform INDOT of the actions taken for compliance. The Title VI/ADA Program Manager shall monitor Respondent's corrective action compliance.

Corrective action may include actions that the Respondent will complete at a future date after the initial 30 days and must include the projected time in which the Respondent will complete the action.

If the Respondent has not taken the recommended corrective action within the 30-day period allowed, INDOT will find the Respondent to be in noncompliance with Title VI and its implementing regulations. Noncompliance not corrected by informal means as described above may be subject to sanctions as per 49 CFR § 21.13.

#### 9. Pre-Investigative/Administrative Closures

It is the general practice of INDOT to investigate all complaints that are complete; however, INDOT may administratively close a complaint at its discretion. The types of complaints that may be administratively closed and will not be investigated include the following:

- Complaints that fail to state a claim or provide any substantial or coherent claim;
- Complaints that are outside the scope of INDOT's Title VI jurisdiction;
- Untimely complaints filed more than 180 days after the alleged discriminatory acts;
- Complaints voluntarily withdrawn by the Complainant;
- Complaints in which the investigation has been impaired by INDOT's inability to locate the Complainant;
- Complaints that are a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that repeatedly have been found factually or legally unsubstantiated by INDOT;
- Complaints containing the same allegations and issues that have been addressed in a recently closed complaint or compliance review conducted by INDOT;
- Complaints containing allegations that are foreclosed by previous decisions by the Federal courts, Department of Justice or INDOT policy determinations;
- Complaints filed for complainants or parties who refuse to cooperate with the investigation and whose lack of cooperation substantially impairs the completion of the investigation. In such circumstances, the Complainant

should be contacted and advised that their lack of cooperation has hindered the investigation. Furthermore, the Complainant must be advised that continued failure to cooperate may result in an administrative closure of the complaint without further investigation;

- Complaints transferred to another agency for investigation; and
- Complaints where the death of a Complainant makes it impossible to investigate the allegations fully or the death of the Complainant forecloses the possibility of relief because the complaint involved potential relief solely for the Complainant or injured party.

INDOT shall notify Complainants in writing via certified mail when a determination is made to close a case administratively without further investigation. The notification shall include an explanation of the basis for the administrative closure.

## 10. Appeals Procedures

The Complainant has the right to appeal to the FHWA any determination that results in an unsubstantiated claim. INDOT will convey to the Complainant the procedures for filing the appeal to the FHWA along with the Letter of Findings. The procedure for filing an appeal with FHWA is:

- a. Complainant must submit the appeal in writing to the Title VI/ADA Program Manager within 14 calendar days of receipt of INDOT's Letter of Findings.
- b. Complainant must cite in the appeal the specific portion(s) of the finding with which the Complainant disagrees and the reason(s) for the disagreement.
- c. INDOT will forward the appeal and the record within seven calendar days to FHWA for review.
- d. FHWA has 30 calendar days after the receipt of the appeal to complete its review.
- e. Written findings of FHWA are then sent to the Complainant and the INDOT Commissioner.

## 11. Confidentiality

In accordance with DOT Order 1000.12, the Complainant's identity shall be kept confidential except to the extent necessary for carrying out an investigation. If an investigator determines that it is necessary to disclose the Complainant's identity to the Respondent or a third party, the investigator must first obtain

Complainant's written permission. Furthermore, Complainant's written consent must be obtained before a copy of the complaint may be provided to Respondent or a third party.

## 12. Records

INDOT's EOD shall maintain all records of an investigation in a confidential area for three years.

## 13. Additional Filing Options

A complaint may also be filed with one of the following offices:

Indianapolis District EEOC Office  
101 West Ohio Street, Ste 1900  
Indianapolis, IN 46204  
Phone: (800) 669-4000  
Fax: (317) 226-7953  
TTY: 1 (800) 669-6820

Indiana Civil Rights Commission  
100 N. Senate Ave., Room N103  
Indianapolis, IN 46204  
Toll Free: 1 (800) 628-2909  
Phone: (317) 232-2600  
Fax: (317) 232-6560  
Hearing Impaired: 1 (800) 743-3336

Federal Highway Administration  
Indiana Division  
575 N. Pennsylvania St., Room 254  
Indianapolis, IN 46204

## E. Employee Relations/Human Resources

### 1. Overview

The Human Resources Department, which is part of the Indiana State Personnel Department with staff embedded in INDOT, is responsible for recruiting a diverse pool of qualified candidates to fill INDOT vacancies. INDOT also provides ongoing staff training to ensure that all staff understands INDOT's policy of nondiscrimination based on disability. Additionally, during the application, interviewing, hiring and employment process INDOT provides reasonable accommodation to applicants and employees with disabilities.

## 2. Policies and Procedures

A review of the Human Resources Department practices and policies revealed that the department has a policy that dictates information collected pursuant to a request for Family Medical Leave (FML) must be kept separate from personnel records or shared only in limited situations as authorized by the ADA and/or Section 504; however, there is not a written policy to require that all medical information, including pre and post-employment medical examinations and drug tests be kept separate. As a practice, the Human Resources Department keeps all medical information separate from personnel.

The Human Resources Department does collect affirmative action data; however, the department's data collection efforts do not currently include collecting affirmative action data regarding disabilities as it is not a requirement under the law.

The Human Resources Department is in the process of developing a process for accepting internal and external requests for reasonable accommodations from current employees and applicants.

Information regarding INDOT's responsibilities under the ADA are discussed during New Employee Onboarding.

## F. Public Involvement

### 1. Overview

The Communications Division manages INDOT's internal and external communications. Additionally, the Communications Division is a clearinghouse for all information supplied to the various media outlets and provides uniformity and control over all content. The Customer Service Center, which is part of the Communications Division, responds to, coordinates and manages all outside customer inquiries relating to Indiana transportation.

### 2. Policies and Procedures

INDOT's policies and procedures for providing reasonable accommodations for persons with disabilities are contained in its August 2012 Public Involvement Procedures Policy Manual, which is available online at [www.in.gov/indot/2366.htm](http://www.in.gov/indot/2366.htm). To accommodate individuals with hearing, speech, vision or mobility impairments, INDOT's requirements include:

- (1) Holding public meetings and hearings in places accessible to individuals in wheelchairs;

- (2) Upon advance request, assisting people with physical disabilities who wish to participate and give testimony in public meetings and hearings. Such assistance shall include: the use of sign language interpreters, listening assistance mechanisms, a telecommunications device for the deaf, recording devices, or providing documents in an alternative (e.g. large print, tape recordings, Braille or electronic formats, or individuals to explain the content of visual displays); and
- (3) Providing a contact person's telephone number in all meeting and hearing notices and advertisements for individuals to contact regarding any requests for assistance or reasonable accommodation.

### 3. ADA Community Advisory Working Group

In July 2012, INDOT chartered its ADA Community Advisory Working Group and held its first meeting on October 10, 2012. INDOT created the ADA Working Group to provide an opportunity for interested persons, including individuals with disabilities, disability organizations and organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comment. The Title VI/ADA Program Manager facilitates the quarterly meetings of the ADA Working Group and coordinates with Communications to publicize the meetings.

### 4. Website

The Title VI/ADA Program Manager periodically updates the INDOT website as needed with information and resources concerning INDOT's ADA compliance efforts. The website includes a link to the complaint form, relevant laws, INDOT's nondiscrimination statement, training schedules and a sub-recipient toolbox. The sub-recipient toolbox includes sample forms and answers to frequently asked questions for organizations, agencies, contractors, consultants, etc. who receive federal funds from INDOT.

Additionally, the website includes INDOT's nondiscrimination statement, ADA Working Group charter, meeting schedule, agendas and meeting minutes. The website also includes a listing of the ADA Working Group members and copies of related press releases announcing the formation of the working group and meeting dates.

Each visitor using the INDOT website has the right to obtain information and services independently, conveniently and in an alternate format upon request.

In accordance with Indiana Code 4-13.1-3, all state information, technology, equipment, software and systems used by the public or state employees complies with the accessibility standards of Section 50 of the Federal Rehabilitation Act of 1973 (Section 508).

With the guidance of the state's Assistive Technology Standards Group (ATSG) INDOT continues to work towards its commitment to ensure equal access to individuals with disabilities. INDOT's Communications Division, continually monitors the website content and makes modifications to remove accessibility barriers.

INDOT's website, which follows the standards set by the State of Indiana website [IN.gov](http://IN.gov), includes a free screen reader and translation tool that requires a simple and secure download. Browsealoud by textHELP allows visually impaired users and foreign language speakers to use the [IN.gov](http://IN.gov) website without difficulty by reading aloud the users' page content, including HTML, PDF and Word files. Users can choose the language, pronunciations and voice that will read the website.

## G. Effective Communication and/Auxiliary Aids

### 1. Interpreters

The Communications Division addresses the needs of persons on a project specific basis. The Office of Communications coordinates with other agencies to identify people in the community who are able to provide translation and interpretation services.

### 2. Telecommunications

INDOT does not currently provide TDD/TTY phone services for its public services that use telephones; however, INDOT does provide TDD/TTY phone service for its employees who request a reasonable accommodation during their employment.

## H. Buildings and Related Site Elements

### 1. Overview

INDOT did not receive any ADA complaints regarding its building and related site elements in 2011 or 2012.

According to the data collected by INDOT's Office of Facilities Management (Facilities Management), many of the older facilities that were compliant at the time of construction are not compliant with the current ADA requirements; however, it is INDOT's practice to bring its facilities into compliance when renovating buildings or upon hiring a person with a disability who requires a reasonable accommodation.

Recently, INDOT replaced the Flat Creek Rest Area with the Auburn Rest Area, which is ADA compliant. Additionally, in the summer of 2013, INDOT will open a new Fort Wayne District Administrative Office and Aurora Sub-district building to replace the existing noncompliant facilities. INDOT will convert the old Fort Wayne Administrative building into a materials and testing building with accessible features.

Facilities Management did not receive any complaints regarding INDOT's facilities in 2012.

## 2. Policies and Procedures

Building assessment data is stored in the facilities module of WMS. INDOT does not use the ADA Accessibility Guidelines (ADAAG) in their entirety; however, INDOT does include the ADAAG in its assessments. INDOT developed its building assessment standards from facility management guidelines specific to INDOT facilities. Facilities Management reviews INDOT's building assessment criteria annually to ensure compliance with the current ADA requirements.

INDOT's Facilities Long Range Plan (Long Range Plan) includes building upgrades. INDOT's central office administers and implements the Long Range Plan with input from its districts. The Long Range Plan uses specific criteria based on structure type to prioritize facilities with the greatest need for replacement to become ADA compliant. The schedule for building replacements is included in the Long Range Plan. INDOT's building replacement schedule is a 30-year plan.

## 3. Funding

Ninety percent of INDOT's funding for weigh stations and rest areas comes from the FHWA. All other building improvements are 100% state funded, except weigh stations and rest areas.

### I. Accessibility of Pedestrian Rights-of Way-Facilities (PROW)

Due to the size and nature of the database used to inventory, store and analyze INDOT's ADA pedestrian right of way facilities data collect activities, INDOT did not list specific elements in, nor attach them to this ADA Transition Plan.

INDOT will update this plan with a complete summary of the compliance status of the inventoried ADA features that includes a listing the main elements surveyed once the EOD staff inputs the data submitted by each district into its database.

## J. Sub-recipients

In March 2012, INDOT began collecting data regarding the compliance efforts of LPAs doing business with the agency via ITAP. INDOT sent three separate written notifications to the LPAs via the Indiana Local Technical Assistance Program email distribution list regarding its newly created Annual Pre-Award Certification. Additionally, in the fall of 2012, INDOT's district customer service representatives followed up via telephone and email with the LPAs to confirm that each LPA received notice of the requirement to complete the Pre-Award Certification in order to continue to be eligible for receipt of federal financial assistance through INDOT.

When completing the Pre-Award Certification, the LPAs are required to answer the following questions regarding their efforts to comply with the ADA and Section 504:

- Is there a designated ADA/Section 504 Coordinator?
- Is there an internal grievance procedure?
- Is there a nondiscrimination policy that identifies the name, title, office address and telephone number of the ADA/Section 504 Coordinator?
- Do public meeting announcements provide notification that auxiliary aids are available upon request?
- Are website and telephone services accessible to individuals with sight and hearing impairments?
- Has a self-evaluation of current services, policies, practices and the effects thereof been completed to determine necessary modifications to achieve program accessibility as required by 28 CFR 35?
  - If so, when?
- Has the LPA developed and implemented a transition plan that outlines which structural modifications it must make to those programs and services that are not accessible?
  - If so, when was the transition plan last updated?
  - Where is the transition plan located?

INDOT encountered the following challenges in implementing this new system for LPAs to self-report their compliance efforts:

- Multiple LPAs submitted duplicate electronic entries;
- Multiple persons within an LPA submitted responses for a single LPA with discrepancies in the data submitted;
- Multiple LPAs reported difficulty using the technology to request a user ID and set a password to access ITAP;
- Multiple LPAs reported concerns about reporting their noncompliance for fear of losing federal funding; and
- The majority of the LPAs failed to comply with the request by the deadline

INDOT's Title VI/ADA Program Manager will consult with INDOT's Management Information Systems department to resolve the technical challenges INDOT encountered. Additionally, INDOT's Title VI/ADA Program Manager will work closely with the LPA/MPO Grant

Administration Department to develop improved educational outreach opportunities to train LPAs on how to complete the Pre-Award Certification accurately.

## **IX. Accomplishments**

Following the publication of its 2011 ADA Transition Plan, INDOT recognized the following accomplishments.

### **A. Publication of INDOT Notice of Nondiscrimination**

In June 2012, INDOT printed a legal notice that included its ADA Notice of Nondiscrimination and a request for public comments regarding its transition plan in 15 newspapers throughout the state, including the minority media outlets. The list of newspapers appears below:

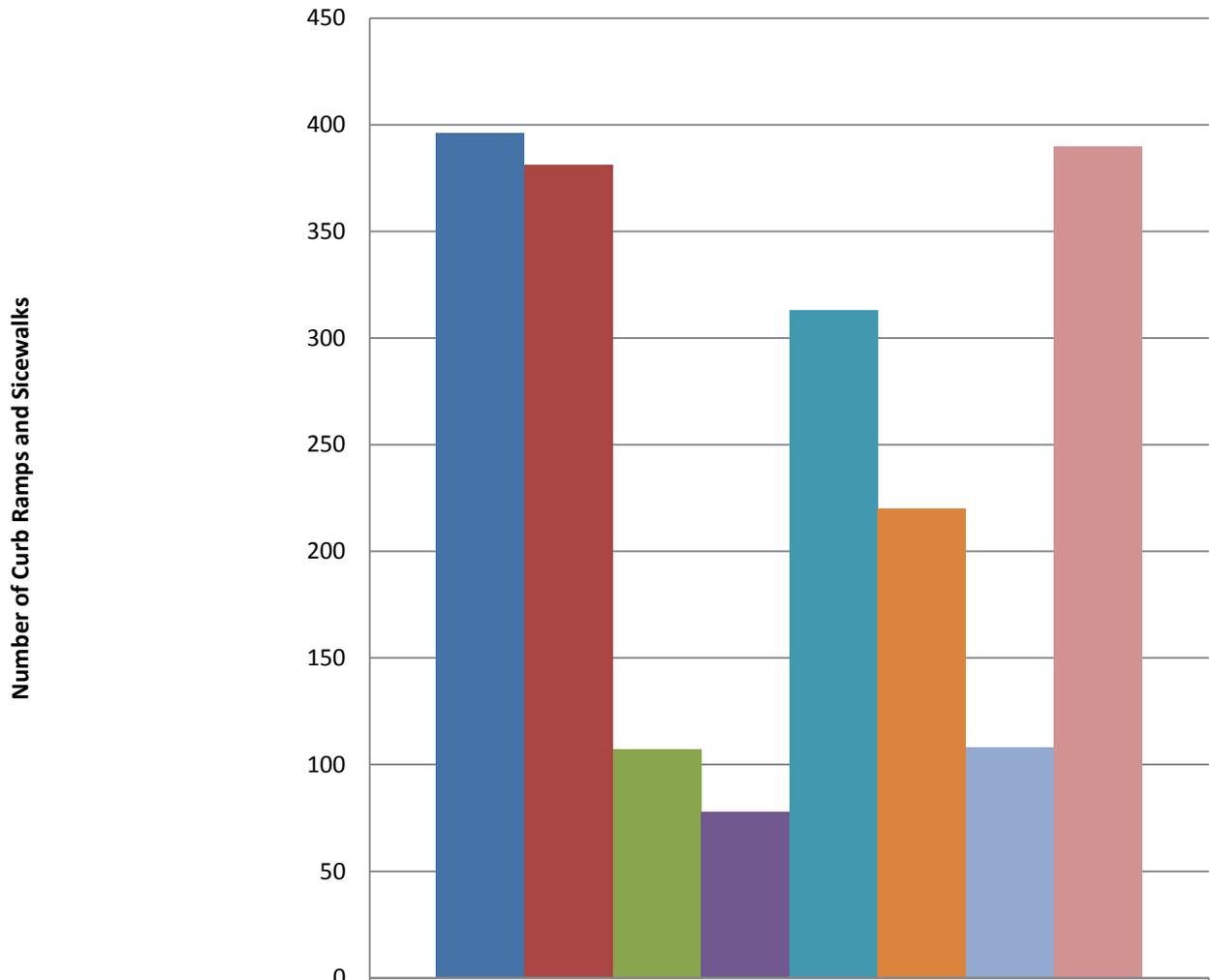
Terre Haute Tribune Star – Terre Haute  
The Frost Illustrated\* – Fort Wayne  
The Gary Crusader\* - Gary  
The Herald Bulletin – Bloomington  
The Indiana Herald\* – Indianapolis  
The Indianapolis Recorder\* – Indianapolis  
The Indianapolis Star – Indianapolis  
The Journal Gazette – Fort Wayne  
The News Sentinel – Fort Wayne  
The Post Tribune – Gary  
Times of Northwest Indiana -LaPorte \* Minority Newspaper  
LaPorte Herald Argus - LaPorte  
The Star Press – Muncie  
The Courier Journal – Evansville  
The Journal Press- Southeastern Indiana

The Title VI/ADA Program Manager shall continue to coordinate having the notice of nondiscrimination published at least once a year and retain a copy of the publications in which the notice appears.

### **B. Public Rights of Way**

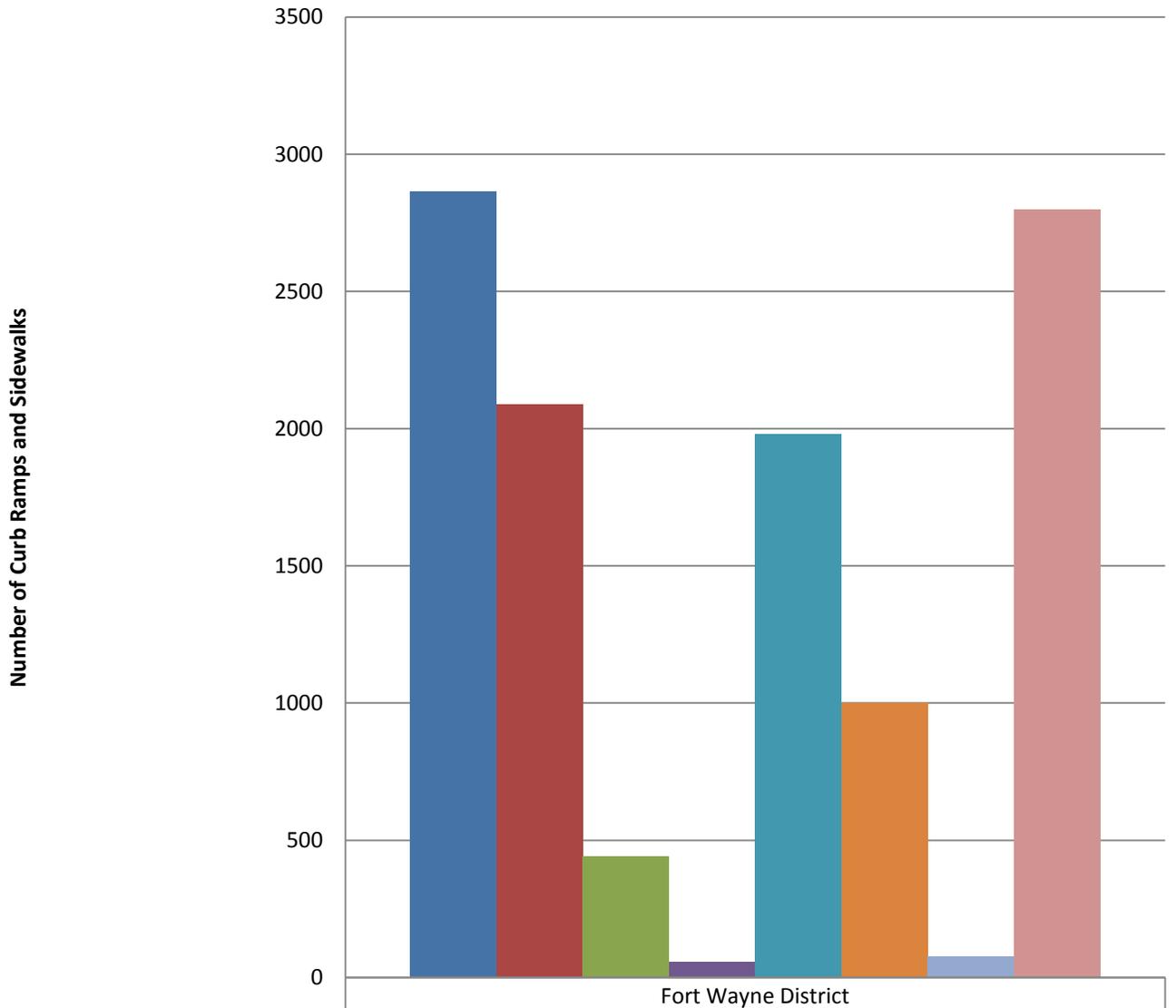
INDOT completed the field evaluations of its public rights-of-way in January 2013. As previously mentioned, while INDOT completed its field inventory, INDOT did not complete inputting all of the data collected during the ADA field evaluations into its database. The charts below are a sampling of the data recorded at the district level. The charts below represent data input into the database as of February 15, 2013. INDOT will make complete data available once it inputs all of the data into its database.

## Sampling of Crawfordsville District ADA Field Evaluation Data



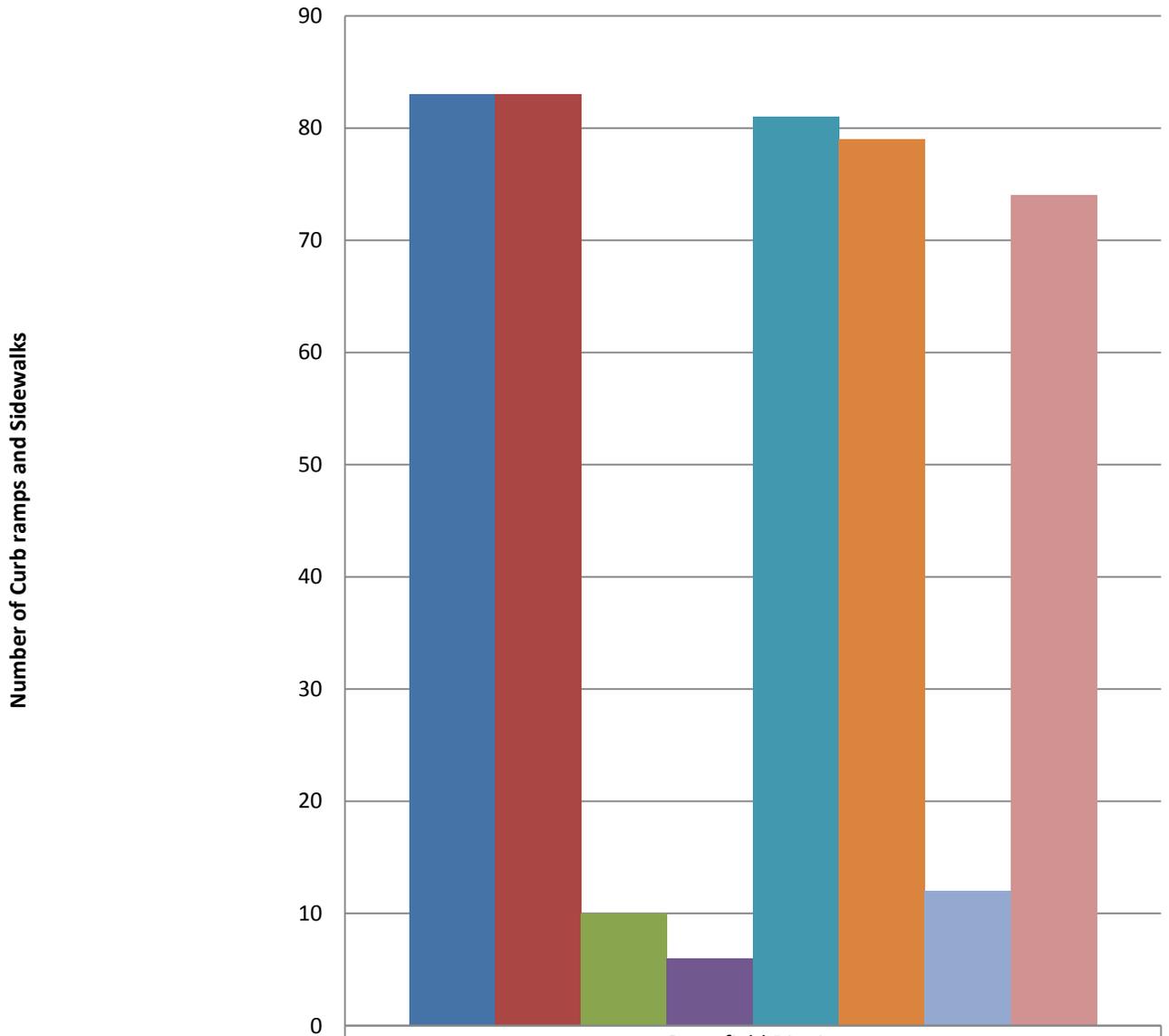
Crawfordsville District	
■ Intersections	396
■ Curb Ramps Present	381
■ Curb Ramp Slope >2.0%	107
■ Running Slope > 8.33%	78
■ Transition Changes > .5 in.	313
■ Counter Slope > 5.0 %	220
■ Sidewalk Obstructions Present	108
■ Sidewalk Cross Slope >2.0%	390

## Sampling of Fort Wayne District ADA Field Evaluation Data



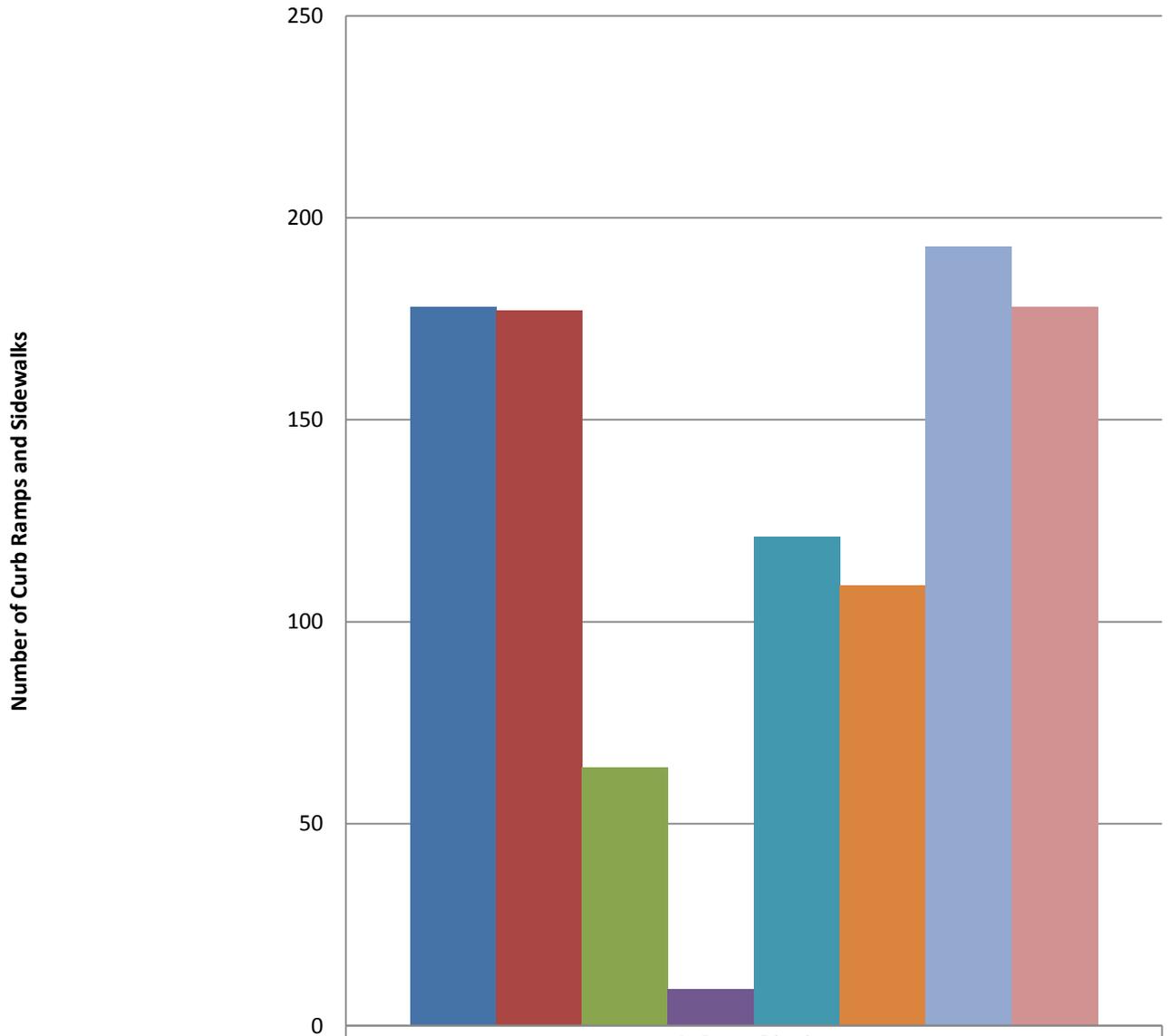
Fort Wayne District	
■ Intersections	2863
■ Curb Ramps Present	2088
■ Cross Slope > 2.0%	441
■ Running Slope > 8.33%	59
■ Transition Change > .5 inches	1982
■ Counter Slope > 5.0%	1000
■ Sidewalk Obstructions Present	79
■ Sidewalk Cross Slope > 2.0%	2798

## Sampling of Greenfield District ADA Evaluation Data



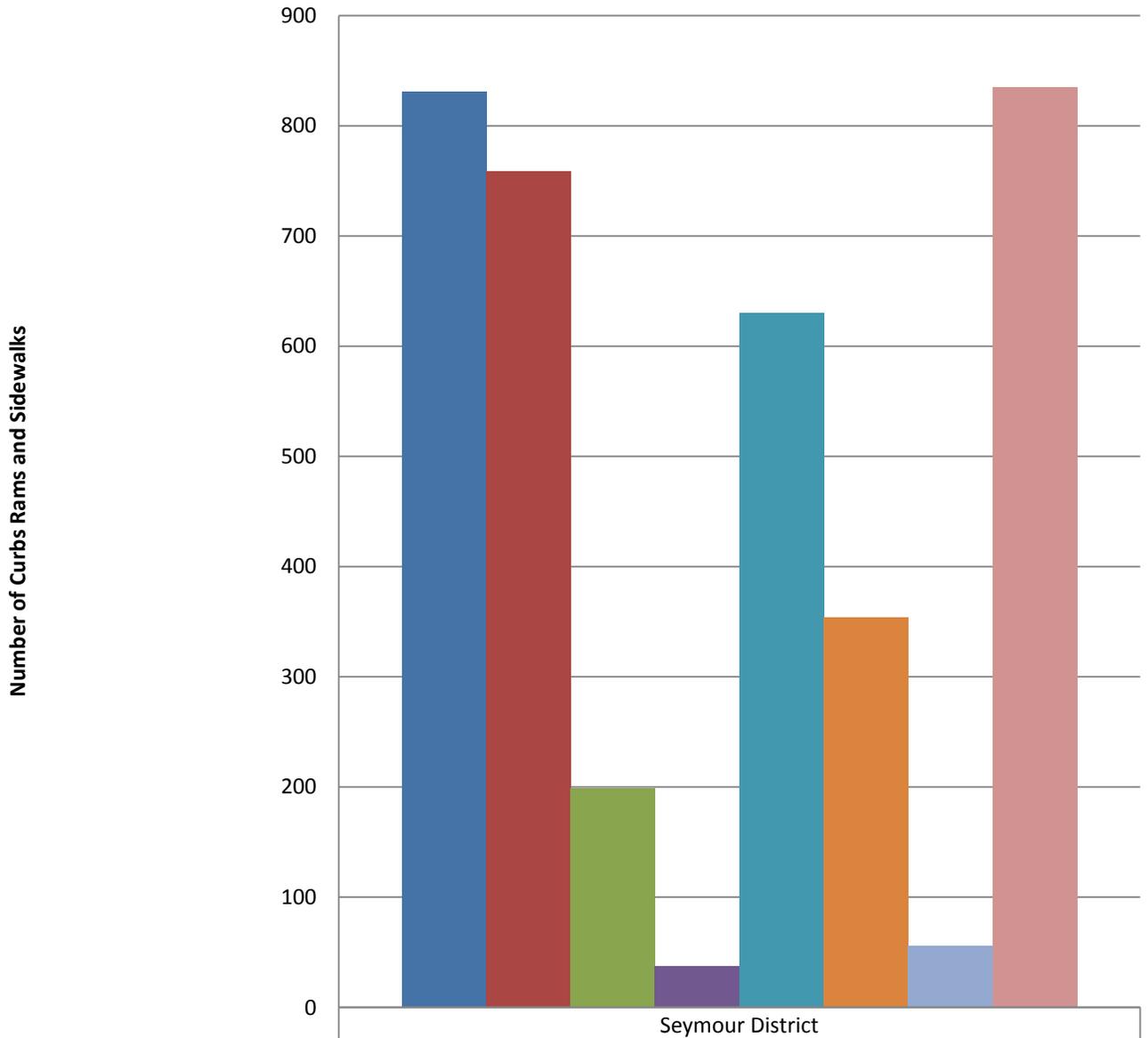
■ Intersections	83
■ Curb Ramps Present	83
■ Cross Slope > 2.0%	10
■ Running Slope > 8.33%	6
■ Transition Change > .5 inches	81
■ Counter Slope > 5.0%	79
■ Sidewalk Obstructions Present	12
■ Sidewalk Cross Slope > 2.0%	74

## Sampling of LaPorte District ADA Evaluation Data



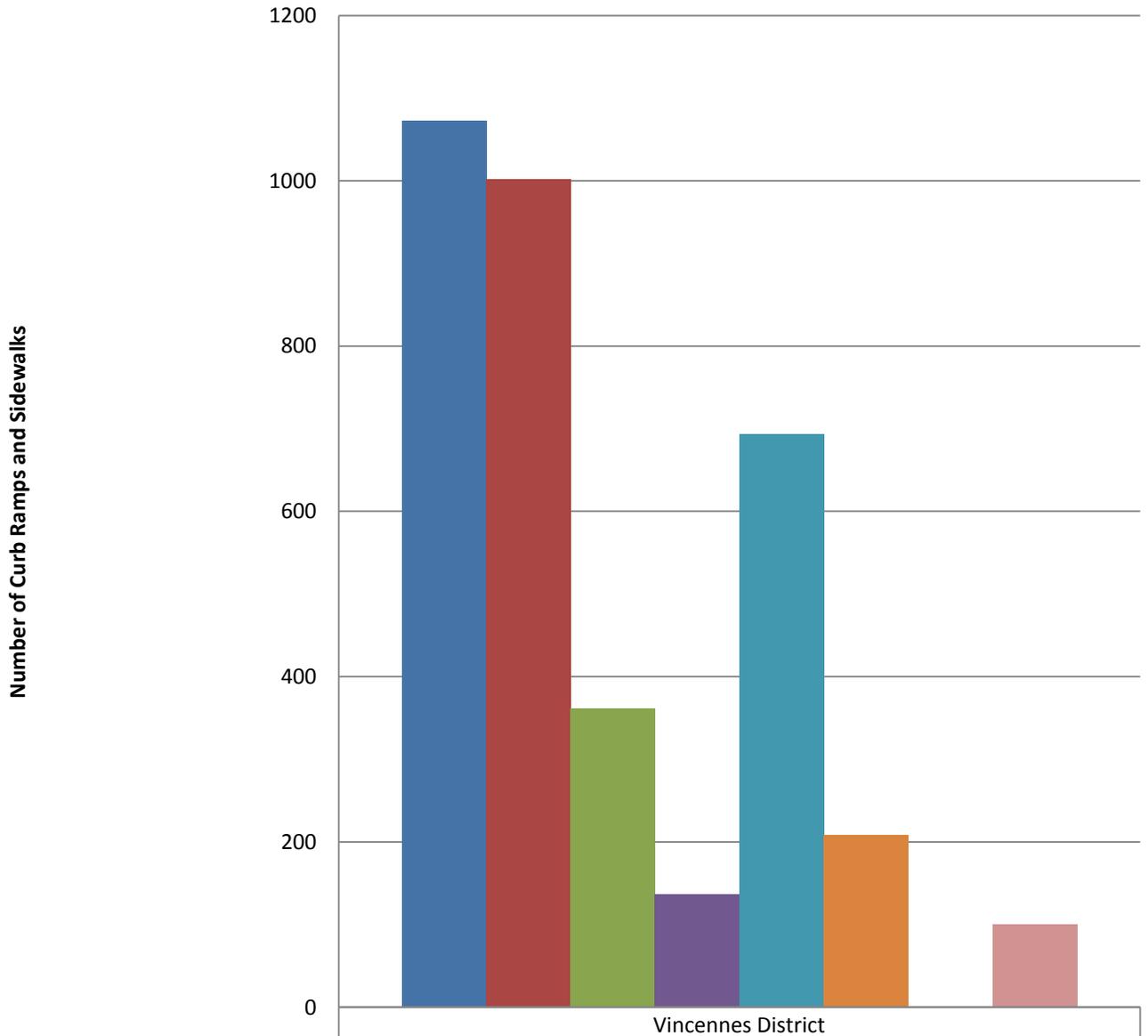
LaPorte District	
■ Intersections	178
■ Curb Ramps Present	177
■ Cross Slope > 2.0%	64
■ Running Slope > 8.33%	9
■ Transition Change > .5 inches	121
■ Counter Slope > 5.0%	109
■ Sidewalk Obstructions Present	193
■ Sidewalk Cross Slope > 2.0%	178

## Sampling of Seymour District ADA Evaluation Data



Seymour District	
■ Intersections	831
■ Curb Ramps Present	759
■ Cross Slope > 2.0%	199
■ Running Slope > 8.33%	37
■ Transition Change > .5 inches	630
■ Counter Slope > 5.0%	354
■ Sidewalk Obstructions Present	56
■ Sidewalk Cross Slope > 2.0%	835

## Sampling of Vincennes District ADA Evaluation Data



■ Intersections	1073
■ Curb Ramps Present	1002
■ Cross Slope > 2.0%	362
■ Running Slope > 8.33%	136
■ Transition Change > .5 inches	693
■ Counter Slope > 5.0%	208
■ Sidewalk Obstructions Present	0
■ Sidewalk Cross Slope > 2.0%	100

## C. Buildings and Related Site Elements

INDOT replaced the Flat Creek Rest Area Building with the Auburn Rest Area Building. In 2013, INDOT will open a new Aurora sub-district building and Fort Wayne District Administrative Office. INDOT did not make any improvements to its structures in 2011 or 2012.

## D. Public Outreach

### 1. Availability of Transition Plan for Public Comment

Additionally, in June 2012, INDOT placed print copies of its ADA Transition Plan in the following libraries:

- Indiana State Library (ISL), 315 West Ohio Street, Indianapolis, IN 46202
- Indiana State Library (ISL), Digital Catalog Web  
<http://www.in.gov/library/catalog.htm>
- Allen County Public Library, 900 Library Plaza, Fort Wayne, IN 46802
- Brown County Public Library, 205 Locust Lane, Nashville, Indiana 47448
- Jeffersonville Township Public Library, 211 East Court Avenue, Jeffersonville, Indiana 47130
- Michigan City Public Library, 100 East 4th Street, Michigan City, Indiana 46360
- East Chicago Public Library, 2401 East Columbus Drive, East Chicago, Indiana 46312
- West Lafayette Public Library, 208 West Colombia Street, West Lafayette, Indiana 47906
- Vigo County Public Library, One Library Square, Terre Haute, Indiana 47807
- Indianapolis Marion County Public Library, 40 East Saint Clair Street, Indianapolis, IN 46204

INDOT recognizes that not all residents have internet access. INDOT attempted to place print copies in libraries in cities and towns that based on the 2010 Census had larger concentrations of minorities, low income and elderly persons to ensure that INDOT included traditionally underserved populations in the public involvement process.

Furthermore, INDOT sent out press releases notifying the public of the availability of its ADA Transition Plan for public inspection and comment. The Communications Department included information regarding the availability of INDOT's ADA Transition Plan for public inspection and comment on INDOT social media websites. In addition, INDOT placed a hard copy of its transition plan in each district office. INDOT also uploaded its ADA Transition Plan to the web for public review and inspection. INDOT is proactively exploring additional means for engaging the public and soliciting feedback.

## **2. ADA Working Group Outreach Efforts**

To increase public attendance at the ADA Working Group meetings, the Title VI/ADA Program Manager contacted each of the working group members to get their recommendations for individuals to invite to the meetings, which are open to the public. Then, the Title VI/ADA Program contacted each of the individuals recommended personally via US Mail or electronic mail. Furthermore, the EOD staff researched the Internet and Yellow Pages Directory to identify disability rights organizations and service providers. The Title VI/ADA Program Manager also sent personal written invitations to each of those individuals inviting them to attend the ADA Working Group meetings. The Title VI/ADA Program Manager is actively working to develop an internal database for INDOT to use to make ongoing contact with organizations and individuals interested in participating obtaining additional information about INDOT's ADA compliance efforts.

Furthermore, INDOT is using the skills and resources of its ADA Working Group members to distribute information. Sheri Caveda of Fifth Freedom indicated that her organization would assist INDOT by distributing information regarding ADA Working Group meetings via its extensive statewide listserv.

INDOT also extended invitations to the LPAs and MPOs to attend the ADA Working Group meetings via the LTAP listserv and through coordination with the LPA/MPO Grants Administration Division.

Seven of the ten ADA Working Group members attended the first meeting, which INDOT held on October 10 at the College Avenue Branch Library in Indianapolis, IN. Sixty-seven individuals attended the second quarterly meeting of the ADA Working Group on January 9, 2013, at the Allen County Library in Fort Wayne, Indiana.

The ADA Working Group members and the public shared the following comments with INDOT's Title VI/ADA Program Manager regarding INDOT and its ADA transition plan.

- INDOT should work with disability rights advocacy groups for training opportunities for the public.
- INDOT should engage the disability community differently and change its method of targeting the disability community.

- INDOT should contact agencies to assist in reaching a greater number of people. INDOT should advertise the working group meetings at specific agencies, such as cerebral palsy, ARC, Agency on Independent Living and caregiver groups.
- INDOT and the ADA Working Group should take comments on specific issues in the transition plan to receive better input and attract people with an interest on a specific issue.
- INDOT should publicize the ADA Working Group meeting dates in more geographical areas, especially in rural areas.
- INDOT should focus on pedestrians as well as vehicles.
- INDOT should make the LPAs more accountable, and both INDOT and the LPAs need to be more involved with the projects.
- INDOT should inventory more than state routes. There were concerns that INDOT's inventory pilot project did not include new construction or US routes.
- The pie charts were hard to read with the black print on the dark blue and terms are missing in the index.
- INDOT should raise the awareness of some people who do not appear to be disabled or are in denial of their disability.
- INDOT should open up communication by making WMS open to the public.
- INDOT should have someone from the hearing-impaired community on the Advisory Group in order to have a better cross representation of persons with disabilities.
- INDOT's transition plan should discuss more nuts and bolts issues, such as: detectable warnings at intersections, turn radius, sidewalks, noise levels, aging community, width of center lines and timing of lights. Additionally, INDOT should include a description of the means for inspection and monitoring in the transition plan.
- INDOT should address issues involving roundabouts.

INDOT implemented the following changes based on the comments received from the working group:

- INDOT lengthened meeting times from an hour and a half to two hours;

- INDOT engaged in targeted outreach to disability rights organizations, individuals and service providers via email and US mail. The targeted outreach included a personal invitation from the Title VI/ADA Program Manager with a copy of the agenda for the ADA Working Group meeting;
- INDOT removed dark print from the charts and graphs used to report data;
- INDOT expanded the list of acronyms in the appendix and added more definitions to the glossary;
- INDOT included copies of the ADA self-evaluation forms used to collect data during the curb ramp field evaluations in the appendix; and
- INDOT revamped its ADA Working Group meeting format to focus on specific issues in the transition plan.

The INDOT EOD staff engaged in outreach with the local professional organizations to update them on INDOT's ADA compliance efforts. On July 26, 2012, the Title VI/ADA Program Manager attended the Indiana Institute of Transportation Engineers (ITE) and Local Technical Assistance Program (LTAP) Transportation Joint Seminar to discuss the ADA and INDOT's accomplishments. In December 2012, the INDOT Title VI/Program Manager and Roadway Review Supervisor attended a local American Traffic Safety Services Association (ATSSA) chapter meeting in Indianapolis to discuss the ADA and INDOT's accomplishments and expectations of contractors and subcontractors to comply with the ADA in construction and notably work zone maintenance. Following the meeting with ATSSA INDOT received feedback from the attendees regarding recommended changes to INDOT's design manual, standard specifications, drawings, etc. INDOT is in the process of reviewing the recommendations received to determine what, if any changes, to incorporate.

#### E. Training

In August 2012, INDOT presented two 1 ½ day Designing Pedestrian Facilities for Accessibility (DPFA) trainings in Indiana in conjunction with a FHWA Resource Center Civil Rights Specialist and Indiana Division Office Transportation Engineer. The free course included video segments prepared by the US Access Board, as well as, a hands on component in which the participants traversed slopes in a manual wheelchair. The course content included the following eight modules:

- Module 1: Laws, Regulations and Pedestrian Characteristics
- Module 2: Pedestrian Access Route (PAR)
- Module 3: Curb Ramps and other Transitions
- Module 4: Detectable Warnings (truncated domes)

- Module 5: Pedestrian Crossings
- Module 6: Accessible Pedestrian Signals (APS)
- Module 7: Street Furniture and Parking
- Module 8: Work Zones and Maintenance

The course objectives included:

- Identifying applicable laws, regulations, guidelines and standards related to accessibility for persons with disabilities;
- Discussing the requirements for ensuring accessibility in existing facilities versus work in new construction and alterations;
- Identifying some of the challenges in the public right-of-way faced by persons with disabilities;
- Reviewing the design elements necessary for achieving accessibility in the public right of way; and
- Identifying best practices.

## **X. Public Comments Regarding INDOT's Transition Plan**

INDOT receive one written comment regarding its ADA Transition Plan in August 2012. INDOT's Title VI/ADA Program Manager reviewed the comment and responded accordingly by acknowledging receipt of the comments, providing the information requested and expressing INDOT's intent to take all comments received into consideration when reviewing and revising its policies and practices.

The comments included:

- A request for an actual link to the ADA Transition Plan in the body of the email notices that INDOT's Office of Public Involvement sends to the public;
- A request for location of the libraries carrying print copies of the ADA Transition Plan and information about where the materials could be found in the library (i.e. shelf placement); and
- A request for an overall review of INDOT process for seeking public comment on its ADA Transition Plan.

## **XI. Plan and Schedule for Improvements**

Upon careful review of the ADA self-evaluation findings outlined above, INDOT proposes to make the following changes to its practices to improve the accessibility of its programs and facilities to persons with disabilities. INDOT will continue to review and evaluate its practices and facilities to identify other methods, means and resources for improving overall accessibility to ensure compliance with the ADA.

### **A. Planning**

INDOT's shall implement a process to incorporate the review of its ADA Transition Plan and the transition plans of LPAs in the project development process and develop a process map that clearly outlines the steps INDOT will follow.

### **B. INDOT Design Manual**

INDOT is in the process of updating its design manual to include the current ADA standards and additional guidance for contractors, consultants and LPAs.

### **C. Public Rights of Way**

INDOT shall implement a curb ramp schedule to provide for the installation of accessible curb ramps along its public rights of way.

Priority for the implementation of improvements may be determined based on the same priority system used in conducting the inventory. Furthermore, INDOT will use the data collected during the inventory of curb ramps and intersection crossings to commit available resources to the reconstruction of existing curb ramps and crossings not currently in compliance with the ADA.

INDOT will determine actual ADA improvements by the condition of the facility at the time of the project. The absence of the facility from the inventory will not prohibit ADA work from being completed.

INDOT will continue to make ADA improvements in the public right-of-way in conjunction with any alteration or construction process.

Additionally, a person with a disability or his or her representative may make a complaint or request concerning the accessibility features of INDOT public rights of way (e.g. curb ramps). If INDOT receives a valid and meritorious request or complaint from a person about a substandard access ramp, then INDOT may at its discretion move that ramp up in priority on the improvement schedule or document if it is structurally impracticable to make the curb ramp fully compliant with the ADA. (See 28 CFR 35.151(a)(2)) If structurally impracticable to achieve full compliance, INDOT will make ADA improvements to the maximum extent possible.

### **D. Buildings and Related Site Elements**

INDOT has 285 public buildings such as office buildings, district offices, sub-district buildings, district offices, sub-district buildings, unit buildings, rest area buildings, weigh stations and

weigh station inspection barns. Many of the buildings are not ADA compliant. Recurring compliance issues include noncompliant bathrooms and a lack of accessible entrances.

Facilities Management will continue to perform annual building assessments and will make physical modifications as necessary to ensure that parking, entrances, pedestrian access routes, customer service areas, public telephones, restrooms and drinking fountains are accessible.

#### E. Employment

INDOT will continue to monitor its employment policies and practices annually through Title VI/ADA assessment and implement changes as necessary to comply with the ADA.

#### F. Public Outreach

INDOT will continue to developing a better system for collecting data regarding requests for reasonable accommodation. Currently, the Title VI/ADA Program Manager requests that each department monitor its ADA compliance activities using a public outreach matrix to capture information regarding requests for accommodation. Based on the 2012 results of its internal assessments, INDOT needs to be more diligent in its data collection efforts.

## G. Training

INDOT's goal is to have a sufficient number of trained persons with technical knowledge and expertise performing field evaluations of its public facilities and monitoring new construction and alteration inspections to collect complete and accurate information. Therefore, INDOT plans to seek assistance from the FHWA, advocacy groups and educational institutions to identify needed training opportunities and to develop a curriculum for a regular and comprehensive training program to include modules, which may include the following:

- Title II ADA overview;
- Inventory collection;
- Technical training regarding the PROWAG, curb ramps, Accessible Pedestrian Signals (APS) and intersection geometrics;
- Project development;
- Accessible communication including documents and website development and public meetings;
- Pedestrian design and planning;
- Maintenance (e.g. snow and ice removal and maintenance agreements); and
- Policies and procedures (e.g. public involvement, employment contracting and licensing, and complaint procedures).

## **XII. Monitoring and Status Reporting**

### **A. Introduction**

INDOT will review and update its transition plan at least every three years and include an update of the status of its ongoing self-evaluation if needed. If INDOT determines that it should add or remove items from the self-evaluation inventory, INDOT will update or correct the transition plan as needed and in accordance with the ADA. The Title VI/ADA Program Manager will monitor INDOT's active public facilities and major program areas through annual reviews to ensure satisfactory progress in accordance with this transition plan.

### **B. Field Inspections and Monitoring**

In accordance with the INDOT Standards and Specifications, INDOT shall inspect all curb ramps and sidewalks using the following recommended procedures:

1. Visually inspecting the site and dimensions
2. Using a tape measure to obtain dimensions
3. Recording all measurements on the appropriate inspection form and verifying that the project meets or exceeds the ADA standards

### **C. Computerized Tracking and Status Reporting**

The Title VI/ADA Program Manager shall oversee the development, maintenance and updating of the computerized tracking and reporting database with the assistance of the interdisciplinary team and subcommittee members as needed.

### **XIII. List of Acronyms**

**ADAAG:** Americans with Disabilities Act Accessibility Guidelines

**ADA:** Americans with Disabilities Act

**APS:** Accessible Pedestrian Signal

**CFR:** Code of Federal Regulations

**EOD:** The Economic Opportunity Division of the Indiana Department of Transportation

**FHWA:** Federal Highway Administration

**GIS:** Graphic Information System

**ITAP:** INDOT Technical Application Pathway

**PROWAG:** Proposed Accessibility Guidelines for pedestrian Facilities in the Public Right of Way

**TRS:** Telecommunications Relay Service

**TDD:** Telecommunications Device for the Deaf

**TTY:** Teletypewriter

**WMS:** Work Management System

## XIV. Glossary of Terms

**ADA Coordinator:** An individual responsible for overseeing and coordinating the administrative requirements of a public entity's ADA compliance efforts and responding to complaints filed by the public.

**ADA Transition Plan:** INDOT's transportation system plan that identifies accessibility needs, and identifies the process to integrate accessibility improvements, and ensures all transportation facilities, services, programs and activities are accessible to all individuals.

**Accessible:** A facility that provides access to people with disabilities using the design requirements of the 2010 Standards. (PROWAG R106.5)

**Accessible Pedestrian Signal (APS):** A device that communicates information about the WALK phase in audible and vibrotactile formats. (PROWAG R105.5)

**Alteration:** A change to a facility in the public right of way that affects or could affect access, circulation or use of the facility. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

**Americans with Disabilities Act (ADA):** The Americans with Disabilities Act of 1990, as amended sets design guidelines for accessibility to public facilities, including sidewalks and trails by individuals with disabilities.

**Americans with Disabilities Act Accessibility Guidelines (ADAAG):** The ADAAG contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the ADA.

**ADA Transition Plan:** An adopted listed of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities or services to individuals with disabilities; a detailed outline of the methods the public entity will use to remove the barriers identified and make the facilities accessible; the schedule for taking the necessary steps to achieve compliance. If the period for achieving compliance is longer than one year, the plan should identify the interim steps that the public entity will take during each year of the transition period. The plan includes the name of the official responsible for the plan's implementation.

**Assurances:** A statement of guarantee given in consideration of and for receiving federal-aid.

**Auxiliary Aids and Services:** Auxiliary aids and services includes—(1) Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

(2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

(28 CFR §35.104)

**Blended Curb or Transition:** A curb ramp shallower than 1:20 (5%), where the sidewalk is blended into or is flush with the street.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy. (PROWAG R106.5)

**Circulation Path:** An exterior or interior way of passage provided for pedestrian travel including, walks, hallways, courtyards, elevators, platform lifts, ramps, stairways and landings.

**Complete Complaint:** A signed written statement that contains the complainant's name and address and describes the alleged discriminatory act in sufficient detail to inform INDOT of the nature and date of the alleged violation of Title VI of the Civil Rights Act of 1964, Vocational Rehabilitation Act or the Americans with Disabilities Act. The complaint must be signed by the complainant or an authorized representative of the complainant.

**Complainant:** The person filing a complaint.

**Compliance:** The satisfactory condition existing when a recipient has effectively complied with the current ADA standards.

**Cross Slope:** The slope that is perpendicular to the direction of accessible pedestrian travel. (PROWAG R105.5)

**Crosswalk:** The part of a roadway at an intersection that is included within the extensions of the lateral lines of the sidewalks on opposite sides of the roadway, measured from the curb line or, in the absence of curbs, from the edges of the roadway or, in the absence of a sidewalk on one side of the roadway, the part of the roadway included within the extension of the lateral lines of the sidewalk at right angles to the centerline.

**Curb Line:** A line at the face of the curb that marks the transition from the roadway to a sidewalk or planting strip between the sidewalk and the gutter or roadway.

**Curb Ramp:** A short ramp cutting through a curb or built up to it. (PROWAG R106.5)

**Detectable Warning:** A surface feature built in or applied to walking surfaces or other elements to advise of an upcoming change from a pedestrian to a vehicular way. (PROWAG R405.5)

**Element:** An architectural or mechanical component of a facility, space, site or public right of way.

**Entrance:** Any access point to a building or facility used for entering including entry door or gate and hardware. (PROWAG R106.5)

**Facility:** All or any portion of structures, improvements, elements and pedestrian or vehicular routes located on a site or a public right-of-way.

**Facility:** All or any portion of buildings, structures, vehicles, equipment, roads, walks, parking lots, or other real or personal property or interest in such property. (49 CFR §27.5)

**Federal Financial Assistance:** Any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

(a) Funds;

(b) Services of Federal personnel; or

(c) Real or personal property or any interest in, or use of such property, including:

(1) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(2) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government. (49 CFR §27.5)

**Flush Transition:** See Blended Transition

**Grade Break:** The meeting line of two adjacent surfaces of different slope (grade).

**Graphic Information System:** A geographic information system (GIS) lets us visualize, question, analyze, interpret, and understand data to reveal relationships, patterns, and trends

**Island:** Curbed or painted area outside the vehicular path that is provided to separate and direct traffic movement, which also may serve as a refuge for pedestrians.

**Marked Crosswalk:** Any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**Metropolitan Planning Organization:** Each urbanized area in the United States with a population of 50,000 or more is required by the federal government to have a metropolitan planning organization (MPO). MPOs are responsible for the continuing, cooperative and comprehensive transportation planning process for their urbanized area

**Parallel Curb Ramp:** A system of two sloped ramps that run parallel to the curb line from a common lower landing that is approximately level with the street.

**Pedestrian Access Route:** A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility. (PROWAG R105.5)

**Perpendicular Curb Ramp:** A curb ramp with a main slope running perpendicular to the curb line and with one or more flared side slopes.

**Projects:** Any construction or maintenance project that disturbs the pavement by at least ¾ of an inch.

**Public Right of Way:** Land or property owned by a public entity and usually acquired for or devoted to transportation or pedestrian purposes.

**Public Use:** Interior or exterior, rooms, space or elements that are made available to the public.

**Ramp:** A walking surface that has a running slope steeper than 5%.

**Right of Way:** Denotes land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

**Running Slope:** The slope that is parallel to the direction of travel expressed as a ratio of rise to run in the public right of way. This is usually called grade and is expressed as a percentage.

**Section 504:** Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination in any program or activity receiving federal financial assistance.

**Sidewalk:** That portion of a public right of way between the curb line or lateral line of a roadway and the adjacent property line that is improved for use by pedestrians.

**Sub-recipient:** An entity or person that indirectly (usually through a grant or contract) receives federal financial assistance to implement a program or activity, which obligates them to comply with the Section 504 and its implementing regulations. Subrecipients include, but are not limited to, metropolitan planning organizations, local public agencies, and colleges/universities.

**Street Furniture:** Elements in the public right-of-way intended for use by pedestrians.

**Technically Infeasible:** An alteration that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load bearing member that is an essential part of the structural frame or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full strict compliance with the minimum requirements of the 2010 ADA Standards.

**Vibrotactile:** A vibrating surface, located on the accessible pedestrian signal button that communicates information through touch. (PROWAG R105.5)

## **XV. Appendix**

Appendix A: INDOT Notice of Nondiscrimination under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973

Appendix B: Location Plan for Sidewalk Curb Ramps (September 2009)

Appendix C: Design Memorandum No. 09-33

Appendix D: INDOT ADA Self-Evaluation Sidewalk and Curb Ramp Inspection Form and Compliance Checklist

Appendix E: ADA Compliance Data Guidelines

Appendix F: INDOT District Maps

Appendix G: ADA Advisory Working Group Charter