

Americans with Disabilities Act (ADA) Transition Plan Requirements for Federal Funding – Local Agencies

Program Overview

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

- Employment
- State and local government services
- Public accommodations
- Telecommunications
- Miscellaneous Provisions



Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, local agencies must comply with this section of the Act as it specifically applies to local public service agencies and local transportation agencies. Title II of ADA provides that, “...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#))

Federal Highway Administration (FHWA) Guidance

The Secretary of Transportation has identified a vision for the transportation system to connect people to opportunities. The FHWA is following through on that vision to ensure that the requirements and expectations of the ADA law are being met on local transportation systems through the development of ADA Transition Plans for each local agency with greater than 50 employees. In the summer of 2016, FHWA and MnDOT presented to each of the Metropolitan Planning Organizations (MPOs) in Minnesota to provide background on ADA, the legal basis for ensuring compliance, the MPO’s role, the intended outcome from this increased emphasis.

The intended goal for FHWA is to have all MPO’s self-certify its planning process and document ADA compliance for the 2019-2022 Transportation Improvement Plan (TIP) submittal.



What Does This Mean for Local Agencies

MnDOT State Aid's interpretation of this is that any local agency that has a project in the 2019-2022 TIP or will be competing to receive or receiving federal funding that will be included in the 2019-2022 TIP or any TIP thereafter will need to have an adopted ADA Transition Plan or be substantially working towards completing their Transition Plan. If the local agency does not have their Transition Plan completed or in progress, then that agency may not be approved by the FHWA to use the funds on their specific project.

Resources

Included below are some additional resources for local agencies:

- ADA Transition Plan for Public Rights of Way: A Template for Local Agencies: <http://dotapp7.dot.state.mn.us/projectPages/pages/projectDetails.jsf?id=3921&type=PROJECT>
- ADA Transition Plan Requirements: A Model Plan for Local Agencies: <http://www.mnltap.umn.edu/training/online/ltapwebinars/2012/ADA/index.html>
- MnDOT State Aid ADA - <http://www.dot.state.mn.us/stateaid/ada.html>
- Indiana MPO Council - <http://indianampo.com/indiana-mpo-regions.html> Indiana has around 300 local public agencies with completed ADA Transition Plans.
- Federal Aid Essentials for LPAs – Transition Plans <http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=32>

In addition to these on-line resources, the MnDOT ADA Office has offered the use of its Trimble machines to local agencies to conduct the inventory of its local pedestrian facilities as part of the requirements for their Transition Plan.

Also, additional ADA training is currently being developed by the Local Road Research Board's (LRRB) Research Implementation Committee (RIC).

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