



Tennessee Department of Transportation

ADA Self-Evaluation & Transition Plan



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 ACCESSOLOGY

 GRESHAM
SMITH AND
PARTNERS

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1.0 Introduction

1.1 Legislative Mandate

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, government services, public transportation, public accommodations, and telecommunications. There are five titles of the ADA including:

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

The Tennessee Department of Transportation (TDOT) is obligated to observe all requirements of Title I in its employment practices; Title II in its policies practices, services, programs, and activities; and any parts of Titles IV and V that may apply to TDOT. Title III only covers businesses and non-profit service providers and is not applicable to TDOT.

Title IV of the ADA requires that telephone companies provide telecommunication relay services that allow individuals with hearing or speech impairments to communicate using a teletypewriter (TTY) or another non-voice device. It also requires that all television public service announcements produced or funded in whole or in part by the Federal government include closed captioning. Title IV would not apply to TDOT unless they are receiving funds from the Federal government for television service announcements.

Title V is a miscellaneous section. It includes provisions that do not allow the ADA to invalidate or override other laws (federal, state, and local) to provide equal or greater protections or remedies for people with disabilities. It includes exclusions of conditions from the definition of accessibility. Title V also includes protection of individuals from retaliation, intimidation, coercion, threats, or interference with people who seek to exercise their rights, or who encourage or aid others to do so, is prohibited.

This document addresses the requirements of Title II of the ADA.

1.2 Purpose of a Transition Plan

According to the Department of Justice, more than 58 million Americans (about 19% of our population) have disabilities and they, like all Americans, participate in a variety of programs, services, and activities provided by their State and local governments. This includes many people who became disabled while serving in the military. By the year 2030, approximately 71.5 million baby boomers will be over age 65 and will need services and surroundings that meet their age-related physical needs.

An ADA Transition Plan identifies barriers to access in programs and activities. The goal is for TDOT to provide equivalent access to the maximum extent feasible.

1.3 ADA Self-Evaluation and Transition Plan Development Requirements and Process

Title II requires the operation of each service, program or activity so that, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.¹ It is firmly stated that no qualified individual with a disability may be excluded from participating in, or denied the benefits of, the services, programs, or activities provided by a public entity because of a disability.²

Included in Title II are administrative requirements for all government entities employing more than 50 people. These administrative requirements are:

1. To notify applicants, participants, beneficiaries, and other interested people of their rights and the public entity's obligations under Title II;³
2. To designate a responsible employee (ADA Coordinator) to coordinate its efforts to comply with and carry out the public entity's ADA responsibilities;⁴
3. To establish a grievance procedure for resolving complaints related to Title II;⁵
4. To conduct a self-evaluation;⁶
 - A self-evaluation is an assessment of the public entity's services, programs, and activities and the policies and practices that govern the administration of them. This can include laws, ordinances, regulations, and manuals. The goal is to determine if the policies and practices adversely affect full participation of individuals with disabilities.
5. To develop a transition plan;⁷
 - In the event that structural changes to facilities will be undertaken to achieve program accessibility, a Transition Plan setting forth the steps necessary to complete such changes must be developed.

The plan will, at a minimum --

- a) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- b) Describe in detail the methods that will be used to make the facilities accessible; and
- c) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period.

1.4 Elements of a Transition Plan

The Federal Highway Administration (FHWA) has provided guidance on the ADA Transition Plan process in their "INFORMATION AND ACTION: ADA Transition Plan Process" memo dated November 17, 2015, which specifically

¹ 28 C.F.R. §§ 35.149-150

² 42 U.S.C. § 12132; 42 U.S.C. § 12102(2)(B) & (C)

³ 28 C.F.R. § 35.106

⁴ 28 C.F.R. § 35.107(a)

⁵ 28 C.F.R. § 35.107(b)

⁶ 28 C.F.R. § 35.105

⁷ 28 C.F.R. § 35.150

addresses State Departments of Transportations. Provided in the memo is a checklist for elements to be included in an ADA Transition Plan and other ADA requirements that agencies must fulfill.

Items included in the ADA Transition Plan checklist are:

Responsible Official

Per 28 CFR 35.150(d)(3)(iv), TDOT will identify an official responsible for implementation of the ADA Transition Plan (i.e., Executive Director, Secretary, Commissioner, Chief Engineer, etc.).

Inventory of Barriers

Per CFR 35.150(d)(3)(i) and 28 CFR 35.105(a), TDOT will demonstrate good faith by identifying intersection information, including curb ramps and other associated accessibility elements, as a starting point and showing movement and commitment toward developing a full inventory.

TDOT will create an Action Plan to develop an inventory of sidewalks (slopes, obstructions, protruding objects, changes in level, etc.), signals (including accessible pedestrian signals), bus stops (bus pads), buildings, parking, rest areas (tourist areas, picnic areas, visitor centers, etc.), mixed use trails (greenways), and linkages to transit.

TDOT is in process of discussing jurisdictional issues/responsibilities for sidewalks with local municipalities.

Schedule

Per 28 CFR 35.105(d)(2), TDOT will show a strong commitment toward upgrading ADA elements identified in the inventory of barriers in the short-term (planned capital improvement projects) and show a strong commitment over time toward prioritizing curb ramps at walkways serving entities covered by the ADA.

Per 28 CFR 35.105(d)(3), the schedule will include prioritization information, planning, and investments directed at eliminating other identified barriers over time.

As a best practice, TDOT will dedicate resources to eliminate identified ADA deficiencies.

Implementation Methods

Per 28 CFR 150(d)(3)(ii), TDOT will describe the methods that will be used to make the facilities accessible and, as a best practice, include the governing standard (e.g., 2010 ADAAG, 2011 PROWAG).

If the start date for construction is on or after March 15, 2012, all newly constructed or altered State and local government facilities will comply with the 2010 ADA Standards for Accessible Design. Before that date, the 1991 Standards (without the elevator exemption), the Uniform Federal Accessibility Guidelines, or the 2010 ADA Standards may be used for such projects when the start of construction commences on or after September 15, 2010.

The most recent standard is the 2010 ADA Standards for Accessible Design, which sets the minimum requirements – both scoping and technical – for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. It is effectuated from 28 CFR 35.151 and the 2004 Americans with Disabilities Act Accessibility Guidelines (ADAAG). However, the Federal Highway Administration (FHWA) and Department of Justice (DOJ) recommend using the Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (a.k.a., PROWAG) for designing and constructing facilities within the public rights-of-way as a best practice until it is adopted at the federal level. The Manual of Uniform Traffic Control Devices (MUTCD) is also incorporated by reference within PROWAG. While the DOJ has not officially adopted PROWAG, TDOT adopted PROWAG in November 2014 as its standard.

ROW guidelines for the design of pedestrian facilities within the public rights-of-way. In doing so, PROWAG becomes an enforceable standard for all TDOT funded and/or City projects constructed within TDOT rights-of-way, regardless of its adoption status at the federal level.

2010 ADA Standards for Accessible Design

The Department of Justice's revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 (ADA) were published in the Federal Register on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design, "2010 Standards." On March 15, 2012, compliance with the 2010 Standards was required for new construction and alterations under Titles II and III. March 15, 2012, is also the compliance date for using the 2010 Standards for program accessibility and barrier removal.

Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG)

The U.S. Access Board is developing new guidelines for public rights-of-way that will address various issues, including access for blind pedestrians at street crossings, wheelchair access to on-street parking, and various constraints posed by space limitations, roadway design practices, slope, and terrain. The new guidelines will cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way. The Board's aim in developing these guidelines is to ensure that access for persons with disabilities is provided wherever a pedestrian way is newly built or altered, and that the same degree of convenience, connection, and safety afforded the public generally is available to pedestrians with disabilities. Once these guidelines are adopted by the Department of Justice, they will become enforceable standards under Title II of the ADA.

MUTCD

Traffic control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel by authority of a public agency or official having jurisdiction, or, in the case of a private road, by authority of the private owner or private official having jurisdiction. The Manual on Uniform Traffic Control Devices is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F and shall be recognized as the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). The policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices shall be as described in 23 CFR 655, Subpart F.

Items included in the Other ADA Requirements checklist are:

Public Involvement

Per 28 CFR 35.150(d)(3)(ii), TDOT will describe the process used to allow the public to readily access and submit comments for both the ADA Self-Evaluation and Transition Plan.

As a best practice, TDOT will post a detailed list of individuals consulted in a conspicuous location on their website. Per 28 CFR 35.105(c), both electronic and hard copy notices will be available.

ADA Policy Statement

Per 28 CFR 35.106, TDOT will have an ADA Policy Statement easily accessible by the public. As a best practice, the ADA Policy Statement will be posted conspicuously on TDOT's website, for internal and external use.

ADA Coordinator

Per 282 CFR 35.107(a), TDOT will clearly identify the ADA Coordinator (dedicated trained staff) and provide full contact information (i.e., name, office address, telephone number, and email address).

Complaint/Grievance Process

Per 28 CFR 35.107(b), TDOT will provide a clear procedure to receive and address complaints/grievances from the public. As a best practice, this process will be documented in the Transition Plan and be easily accessible by the public.

1.5 Definitions

The following is a summary of many definitions found in the ADA. Please refer to the Americans with Disabilities Act for the full text of definitions and explanations.

Disability

The term disability means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such impairment; or
- Being regarded as having such impairment.

Qualified Individual with a Disability

A qualified individual with a disability means an individual with a disability who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by TDOT.

Discrimination on the Basis of Disability

Discrimination on the basis of disability means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability;
- Participate in a contract that could subject a qualified citizen with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Deny equal benefits because of a disability;
- Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on TDOT's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

Complaint

A complaint, also referred to as a grievance, is a claimed violation of the ADA.

Substantial Limitation of Major Life Activities

An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to other people.

Major life activities are functions such as walking, seeing, hearing, speaking, breathing, learning, performing manual tasks, or caring for oneself.

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment;
- The duration or expected duration of the impairment; and
- The permanent or long-term impact (or expected impact) of or resulting from the impairment.

Having a Record of Impairment

An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

Regarded as Having a Disability

An individual is disabled if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

Reasonable Program Modifications

If the individuals' disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable these individuals to perform the essential functions of the program or activity.

Reasonable program modification is any change in program or activity or in the way things are customarily done that enables an individual with a disability to enjoy equal program opportunities. Accommodation means modifications or adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity;
- To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity; and
- That enables individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

A modification includes making existing facilities and equipment used by individuals readily accessible and usable by individuals with disabilities.

A modification applies to known disabilities only. A modification is not required if it changes the essential nature of a program or activity of the person with a disability, it creates a hazardous situation, adjustments or modifications requested are primarily for the personal benefit of the individual with a disability, or it poses an undue burden on TDOT.

Auxiliary Aids and Services

The term auxiliary aids and services include:

- Qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;
- Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- Acquisition or modification of equipment or devices; and
- Other similar services and actions.

1.6 Discrimination and Accessibility

1.6.1 ADA Title II Disability Discrimination Policy

Program accessibility means that, when viewed in its entirety, each program is readily accessible to and usable by individuals with disabilities. Program accessibility is necessary not only for individuals with mobility needs, but also to individuals with sensory and cognitive disabilities.

Accessibility applies to all aspects of a program or service, including but not limited to physical access, advertisement, orientation, eligibility, participation, testing or evaluation, provision of auxiliary aids, transportation, policies, and communication.

The following are examples of elements that should be evaluated for barriers to accessibility:

Elements with Potential Barriers

- Building signage
- Customer communication and interaction
- Sidewalks or curb ramps
- Emergency notifications, alarms, and visible signals
- Participation opportunities for City-sponsored events
- Parking
- Path of travel to, throughout, and between buildings and amenities
- Doors
- Service counters
- Restrooms
- Drinking fountains
- Path of travel along sidewalk corridors within the public right-of-way
- Access to pedestrian equipment at signalized intersections

1.6.2 TDOT's Compliance History

In 1993, TDOT prepared what the Department thought was a Transition Plan. Like many State DOTs across the county, having very little guidance at the federal level, very little was completed with the plan and very little of the plan could be found in 2000.

With this scattered information, TDOT decided to re-inventory all of their policies, procedures, and facilities. In 2000, the Department named a full-time ADA Coordinator, and by 2003, TDOT had removed all barriers to ensure everyone could benefit from the work of the Department. During that time, over 200 TDOT employees were trained in ADA compliance. It should be noted that while all sidewalks in Tennessee are the responsibility of the local jurisdictions by State statute, TDOT began a curb ramp replacement program through resurfacing projects in 2007.

Any new constructions of buildings or roadways were built in compliance with the current ADA standards. The Department of Transportation has incorporated accessibility into everything it does; compliance is the normal course of business. Although the Department has a dedicated full-time ADA Coordinator, all TDOT employees are required to ensure full ADA compliance on every project.

Under Tennessee Code Annotated 7-31-114, "Every incorporated city and town shall install ramps at crosswalks, in both business and residential areas, when making new installations of sidewalks, curbs or gutters, or improving or replacing existing sidewalks, curbs or gutters, so as to make the transition from street to sidewalk easily negotiable for persons with disabilities in wheelchairs and for other persons who may have difficulty in making the required step up or down from curb level to street level." This state law also requires these ramps to be built with design specifications prepared by TDOT. These design standards are available on the Department's web site, and all TDOT funded projects are review by this same set of standards. TDOT has a dedicated engineering staff that ensures these standard drawings are in full compliance with the current ADA standards and PROWAG. These standards ensure not only compliance but consistency across the state of Tennessee.

In 2015, TDOT began a full rewrite of the department's Transition Plan. With the involvement of the disability community, TDOT reviewed all policies, procedures and facilities. This included everything from rest areas to TDOT's website. In this same time, over 400 employees received ADA training and more training is scheduled. TDOT also offered training for our sub-recipients on how to develop their transition plans. This training was provided in response to FHWA's request to have all qualifying TDOT sub-recipients complete their Transition Plans by December 2019.

In 2018, the Department is scheduled to complete an inventory of curb ramps adjacent to State roadways. Under Tennessee Code Annotated 54-5-202, the curb ramps are the responsibility of the local governments; however, TDOT is committed to full accessibility for everyone. This inventory will help the Department see where we can help the local governments by ensuring curb ramps are correctly installed.

The Chief Engineer, Paul D. Degges, has been the champion behind the Department of Transportation's dedication to accessibility not only for the agency but across the country with other state departments of transportation.

"It's just the right thing to do."

PAUL D. DEGGES, P.E.
TDOT CHIEF ENGINEER

2.0 Self-Evaluation Findings

TDOT's Transition Plan reflects the results of a comprehensive review and survey of the buildings, facilities, programs, and practices that are under the jurisdiction of the department; which, through its functions, provides these programs and services to the public. The review and survey identified both programmatic and architectural barriers to persons with disabilities interested in accessing the TDOT's programs and services.

DISCLAIMER

Evaluations were completed from June 2015 through December 2017. In a parallel effort, the Department has addressed self-evaluation findings. By the time this document was published, some evaluation findings documented in this section may have been corrected.

2.1 Programs, Policies, and Procedures Review

During the TDOT Self-Evaluation, the ADA / Section 504 Coordinator and Consultant Team met with each TDOT division leader to review programs, policies, and procedures for compliance accessibility. No division was found to intentionally discriminate when conducting programs; however, formal policies and procedures were developed as result of the Self-Evaluation and review process.

The following TDOT programs, policies, and procedures were reviewed:

- Title I Grievance Procedure and Compliant Form (Disability Discrimination Policy and Complaint Form)
- ADA Notice of Requirements
- TDOT Design Guidelines
- TDOT Construction Guidance
- TDOT Local Programs Construction Phase Overview
- TDOT Standard Drawings Library
- TDOT Publication Policy (ADA Communication Assessment)
- Request for Reasonable Accommodation Procedure
- Adopt-A-Highway
- ADA Checklist
- Section 508 of the Rehabilitation Act
- Appeals Process
- TDOT Webpages Review

The following sections detail the importance of each program, policy, and procedure, the Self-Evaluations findings, and recommendations to bring each program, policy, and procedure into compliance with the ADA.

2.1.1 Departmental Questionnaires

To aid in the evaluation process, questionnaires were developed for each TDOT department. Department representatives were tasked with providing in-depth responses to the questions so that areas of strength or areas that may need improvement could be identified. Once the questionnaires were completed, the Consultant Team gathered and reviewed all responses and developed an extensive, detailed questionnaire summary. This summary

provided a list of questions that the Consultant Team believed needed more detail and attention. Once the list was compiled, interviews via phone and email were conducted. Adequate responses were obtained and used to help with the evaluation process for all programs, services, and activities. Copies of the completed questionnaires are provided in **Appendix A-1**.

Self-Evaluation Findings

- Most department contacts were not aware of the TDOT-specific ADA obligations;
- Most department contacts were not aware of TDOT's current ADA Grievance Process. However, those who were aware stated that it is public knowledge and posted on the website and bulletin boards;
- Most department contacts were not aware of TDOT's current Reasonable Accommodation Policy/Procedure; However, almost every contact was aware of the internal policy on how to request an interpreter when needed;
- Most department contacts were not aware of the process on how to obtain alternate formats of TDOT documents. However, most contacts stated that all TDOT documents are available on the website and are ADA compliant;
- Most department contacts were not aware of TDOT's Notice of Non-Discrimination or how to access it. However, Community Relations stated they fully aware of this statement and provide it on each hearing/public meeting notice;
- Most department contacts were not aware if the buildings TDOT occupies are leased / owned / borrowed. If the contact was aware of the building's ownership status, copies of applicable documents were unavailable;
- All department currently have an ADA Liaison. However, training is not something that is a current practice;
- Most departments currently have publications. Contacts were asked if these are published in a format usable by all employees and the public? (e.g., YouTube website and advertising). The consensus was that TDOT uses the functions that are available on YouTube (closed captioning) and the website content managing system. Publications and advertising can be made "usable" upon request;
- Most departments do not have separate programs, services, or activities for persons with disabilities. If separate programs, services, and activities are offered by a department, they are optional, offered to everyone, and there is not a fee required participate;
- Most departments do not perform regular routine maintenance on ADA elements for TDOT. However, in the event maintenance is required, contracts are in place for service providers and vendors;
- Some department contacts consider the current TDOT website to be ADA compliant. However, others state it is a work in progress;
- Most department contacts consider their department's programs, services, and activities to be accessible and in compliance with the ADA; and
- All department contacts stated that they are not aware of any ADA complaints in the last five (5) years.

Recommendations

All recommendations associated with the departmental questionnaires are incorporated into **Sections 2.1.2 – 2.1.14**, as applicable to each TDOT program, policy, and procedure.

2.1.2 Title I Grievance Procedure and Compliant Form (Disability Discrimination Policy and Complaint Form)

The following information is provided on the TDOT website (<https://www.tn.gov/tdot/topic/transportation-americans-with-disabilities-complaint-procedure>) regarding the Grievance Policy:

One of the responsibilities of the Americans with Disabilities Office is to receive and investigate complaints. The purpose of the complaint procedure is to provide a mechanism for the resolution of discrimination issues at the state level, rather than require the complainant resorting to resolution at the federal level.

The ADA grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, or benefits by the Tennessee Department of Transportation.

The complaint should be in writing, if possible, and contain information about the alleged discrimination including name, address, phone number of complainant and location, date, and description of the situation. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

Title II regulations do not stipulate procedures for the grievance procedure. TDOT uses a grievance procedure already in place.

*To download TDOT's Disability Discrimination Policy and complaint form (pdf), click here. [a copy of the document is provided in **Appendix A-2.**]*

Complaints should be submitted by the grievant and/or a designee as soon as possible, but no later than 60 calendar days after the alleged violation. Submit complaints to:

Margaret Zeman Mahler
ADA Office
Tennessee Department of Transportation
12th floor, James K. Polk Building
505 Deaderick St.
Nashville, TN 37243
Phone: 615-741-4984
Tennessee Relay: 7-1-1
TDOT.ADA@tn.gov

Self-Evaluation Findings

The document named "TDOT Disability Discrimination Policy" only references Title I of the ADA. The TDOT website states that Title II regulations do not stipulate procedures for the grievance procedure. In accordance with the ADA and Section 504, a separate grievance procedure should be in place for Title II.

The "TDOT Disability Discrimination Policy" document also contains the grievance form for Title I. This form does not address the ADA Grievance Form for Title I. Furthermore, this form requests information addressed as a part of the investigative process and not part of the initial grievance form filing process. Also, this form does not provide information about the ADA Coordinator, and/or any ADA language regarding TDOT's Non-Discrimination Statement.

Recommendations

TDOT will create a separate grievance procedure specific to Title II of the ADA. This procedure can be similar to the Title I procedure. However, the Title II procedure will speak specifically to the public.

TDOT will revise the Title I Grievance Procedure form to address the comments above and remove the statement "Title II regulations do not stipulate procedures for the grievance procedure" from the website and all policies.

TDOT may develop a grievance procedure flowchart to summarize the grievance procedure steps and timeline. An example Grievance Procedure Flowchart is provided in **Appendix A-3.**

All PDF forms posted to the TDOT website may be editable. TDOT may also consider developing an online form and/or adding functionality to the webpage that allows a completed PDF form to be uploaded and submitted online.

Completed Actions

TDOT has developed the following documents:

- TDOT Title II Grievance Procedure (see **Appendix A-4**); and
- Editable TDOT Title II Grievance Form (see **Appendix A-5**).

[Remainder of page intentionally left blank]

2.1.3 ADA Notice of Requirements

The ADA Notice of Requirements is a notice to the public providing information regarding TDOT's ADA obligations. There must be notices posted and accessible for all readers, which must also be available in alternate formats upon request. The following information is provided on the TDOT website (<http://www.tn.gov/tdot/topic/transportation-americans-with-disabilities-notice>) regarding the ADA Notice of Requirements:

TDOT provides ADA/504 information on an ongoing basis, to applicants, participants, beneficiaries, employees, and other interested parties regarding the rights and protections afforded by Title II, including information about how Title II requirements apply to particular programs, services, and activities. It is the responsibility of the Commissioner of TDOT to determine the most effective methods for making individuals in the community aware of their rights and protections. The Impact Committee, made up of TDOT division representatives, can assist the Commissioner in finding ways to inform the public.

In order to ensure effective communication, the information is presented in clear, straight-forward English, avoiding legal and bureaucratic idioms. One way TDOT notifies the public is through the use of graphic symbols in notices and advertisements. These logos can effectively communicate a message regarding TDOT's policies and practices. The International Symbol of Accessibility is the wheelchair logo. TDOT's Public Notices may also contain the address and phone number of the ADA Office.

SAMPLE OF NOTICE



The Tennessee Department of Transportation does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. The Tennessee Department of Transportation does not discriminate on the basis of disability in its hiring or employment practices.

(This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.)

Questions, concerns, complaints, or request for additional information regarding the ADA/504 may be forwarded to the Tennessee Department of Transportation:

Margaret Zeman Mahler
ADA Office
Tennessee Department of Transportation
12th floor, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243
Phone: 615.741.4984
Tennessee Relay: 7-1-1
TDOT.ADA@tn.gov

Individuals who need auxiliary aids for effective communication in programs or services of the Tennessee Department of Transportation are invited to make their needs and preferences known.

Self-Evaluation Findings

Upon review of the ADA Notice of Requirements, it was found that this policy needs some clarification. The language describing the ADA Notice of Requirements appears to be all-inclusive. However, the "Sample of Notice" only provides information on hiring and employment practices. All public notices should be designed for Title I and Title II, which must include more than hiring and employment practices.

Recommendations

TDOT will revise the existing "ADA Notice of Requirements" and the "Sample of Notice" to develop specific public notices for employees, the public, and hiring / employment practices.

Completed Actions

TDOT has developed the following documents:

- TDOT ADA Notice to the Public (see **Appendix A-6**);
- TDOT ADA Title II Disability Discrimination Policy document (see **Appendix A-7**); and
- TDOT ADA Title II Disability Discrimination Policy poster (see **Appendix A-8**).

2.1.4 TDOT Design Guidelines

The TDOT Design Guidelines (revision dated 5/15/17) were developed by the Roadway Design Division to provide TDOT staff and consultant with design criteria for highways, interstates, and local roads. These guidelines were reviewed for consistency with the 2010 ADA Standards and 2011 PROWAG.

Self-Evaluation Findings

Section 2-300.10 Guidelines for Construction and Resurfacing of Public Road Intersection and Driveways on Highway Projects

In Part IV.D., the guidelines state TDOT's intent to repair or install ADA compliant curb ramps whenever possible as encountered through resurfacing. Per Part III.C., the limits of paving on side streets is the radius return point. Per this guideline, proper instruction is given on where curb ramps are required. However, using this project limit definition, the curb ramps and pedestrian path of travel across a non-TDOT roadway may be excluded from a TDOT project.

Section 3-310.05 Curb Ramps

This section states the policy of requiring appropriate curb ramps and truncated dome surfaces on new construction and reconstruction projects per the TDOT Standard Drawings. It notes Type 1 and Type 2 are the preferred curb ramp type and that the designer should indicate the curb ramp type on the plans; however, Type 1 and Type 2 curb ramps are an outdated reference. In addition, "handicap" is not acceptable terminology.

Recommendations

Section 2-300.10 Guidelines for Construction and Resurfacing of Public Road Intersection and Driveways on Highway Projects

Add text for resurfacing projects that indicates when the side street pedestrian path of travel is outside the radius return point, the curb ramps and pedestrian path of travel across the side street should be included in the project scope and brought into ADA compliance. Where curb ramps are not currently installed to serve the side street crossing (but are required by the ADA), installation of these new curb ramps should also be included in the project scope.

Section 3-310.05 Curb Ramps

The TDOT Instructional Bulletins provide immediate, short-notice information to designers regarding new TDOT policies to be incorporated into all projects effective on the date of the bulletin. These bulletins are provided to all designers and consultants for specific updates on policies not yet included in the Design Guidelines.

TDOT issued Instructional Bulletin No. 16-06 on July 7, 2016 indicating Section 3-310.05 had been updated, which addressed the concerns for this section. Additional information on the changes provided in the Instructional Bulletin can be found in **Section 2.2.1**.

2.1.5 TDOT Construction Guidelines

The TDOT Standard Specifications for Road and Bridge Construction (dated January 1, 2015) and Supplemental Specifications (revision dated 5/15/17) provide the written specifications for material quality standards and required execution of the work. These guidelines were reviewed for consistency with the 2010 ADA Standards and 2011 PROWAG.

Self-Evaluation Findings

Section 701 – Cement Concrete Sidewalk, Driveways and Median Pavement

This section describes standards for constructing concrete sidewalks, driveways and median pavement. There is no requirement in the Standard Specifications nor the Supplemental Specifications to meet accessibility requirements in the 2010 ADA Standards or 2011 PROWAG. The standard specifications defer to the standard drawings and the project plans for specific slopes and grades required to meet accessibility standards.

Section 730 – Traffic Signals

Section 730.29.B. (Pedestrian Push Buttons) does not list all 2011 PROWAG and 2009 MUTCD requirements for push buttons.

Recommendations

Section 701 – Cement Concrete Sidewalk, Driveways and Median Pavement

Add language to specify construction shall meet all accessibility requirements in the 2010 ADA Standards, 2011 PROWAG, and 2017 TDOT Pedestrian Accessibility Standards for Facilities in the Public Right-of-Way.

Section 730 – Traffic Signals

Update Section 730.29.B. to include all 2011 PROWAG and 2009 MUTCD requirements for push buttons.

2.1.6 TDOT Local Program Construction Phase Overview

The Program Development Division plays a very important role ensuring that ADA is the foundation in providing a safe, economical, and efficient transportation system. This Division strives to offer accessible programs, services, and activities to the public, as well as to contractors and sub-recipients. Among many services offered by the Division, Local Programs is considered high risk for ADA non-compliance by the Federal Highway Administration (FHWA).

2.1.6.1 TDOT Local Programs Construction Phase Overview Supplemental Material

The *TDOT Local Programs Construction Phase Overview Supplemental Material* is a collection of TDOT policies that govern local programs that receive federal funds for construction improvements. The *TDOT Local Programs Construction Phase Overview Supplemental Material* document was evaluated to ensure that no person or groups of persons shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by TDOT or its recipients, sub-recipients, and contractors.

Self-Evaluation Findings

- General Comments:
 - No language or policy statements on the stance of maintenance versus alterations with respect to the *DOJ/FHWA Joint Technical Assistance on the Title II of the American with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing*.
 - The TDOT ADA Public Notice statement (including alternate format and reasonable accommodations language) is not provided in this document.
 - No mention of requiring an ADA assurance for sub-recipients in the program information or within the local agency project agreement.
 - No ADA-specific compliance checklist or inspection sheet.
- Specific Page Comments:
 - Pages 4-5: No Construction Project File for the ADA.
 - Pages 17, 30, 34: All Conference Notices mention an ADA statement, “persons with a disability that require access to participate at the meeting may contact the Local Government at _____, TTY _____, no less than 7 days prior to the meeting”. This language is not correct and is not consistent with the recommended policies and procedures.
 - Pages 18-19: Pre-Construction Conference Meeting Minutes have a Civil Rights Section but do not mention the ADA, only DBE/WBE items.
 - Page 39-40: Construction Checklist does include ADA-specific requirements.
 - Page 92, 108: Neither of the Completion Notices mention that the ADA Coordinator should receive a copy of the Notice nor does it certify that applicable elements have been inspected and are in compliance with the ADA.

- Page 41: Start Notice does not mention that the ADA Coordinator should receive a copy of the Notice nor does it provide any type of sub-recipient checklist, if required.
- Pages 45-50: TDOT Construction Monitoring Report of Local Programs Projects does not include any ADA language.
- Pages 67-72: Work Zone Traffic Control Inspection Form shows a checklist for Pedestrian Safety, but it does not list ADA-specific items.
- Page 76: Bridge Construction Inspector's Checklist does not include ADA requirements for during and after pouring.

Recommendations

- General Comments:
 - This document should contain language from the *DOJ/FHWA Joint Technical Assistance on the Title II of the American with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing*. This document would provide much needed guidance to sub-recipients, as well as assist TDOT in fulfilling their good faith effort for sub-recipient guidance. The requirements provided in the memo define the difference between alterations and maintenance activities.
 - Any documents that are disseminated from the TDOT to the public must have an ADA Public Notice statement included. This statement will provide the public notice of TDOT's obligations under the ADA Title II and Section 504. See **Section 2.1.3 ADA Notice of Requirements** for more information.
 - As required by the Title II/504 requirements, an ADA Assurance is required. As a recipient of federal funds, TDOT is obligated to obtain signed ADA Assurances from all sub-recipients. This document should contain an ADA Assurance to be signed by the sub-recipient or applicable language should be included in all contracts for sub-recipient projects. See **Section 2.3 Assurances** and **Section 4.0 Sub-Recipient Monitoring** for more information.
 - With the help of the ADA Coordinator, TDOT could draft and include an ADA Inspection Checklist within this document. The checklist would provide guidance to the inspectors, which will help ensure the final product is ADA compliant.
- Specific Page Comments:
 - Pages 4-5: Create a Construction Project File for ADA.
 - Pages 17, 30, 34: Modify all Conference Notices in this document for consistency with TDOT's ADA Notice of Requirements in **Section 2.1.3**.
 - Pages 18-19: Modify Pre-Construction Conference Meeting Minutes to include ADA. When applicable, discussion about ADA should occur prior to construction.

- Page 39-40: Add specific language to the Construction Checklist to ensure that ADA is being recognized at the beginning of the project and is being evaluated throughout the life of the project, which include the beginning of the project, at 50%, 75% and 100%. These ADA inspections should always include the ADA Coordinator.
- Page 92, 108: Add the ADA Coordinator to the recipient list for the Completion Notices. Also add specific language indicating all applicable elements have been inspected and are in compliance with the ADA.
- Page 41: Add the ADA Coordinator to the recipient list for the Start Notice. Also add a checklist for projects within a sub-recipient's jurisdiction. This checklist should ask if the sub-recipient has met all of the ADA requirements under Title II/504, including a Transition Plan.
- Pages 45-50: Add ADA-specific information to the TDOT Construction Monitoring Report of Local Programs Projects.
- Pages 67-72: Add specific pedestrian safety language to the Work Zone Traffic Control Inspection Form. This language should include ADA requirements for Title II/504, including providing an alternate path of travel during sidewalk closures.
- Page 76: Add specific language to the Bridge Construction Inspector's Checklist to include ADA requirements for Title II/504 including ramps, handrail, curb ramps and sidewalks, both during and after pouring requirements.

2.1.6.2 TDOT Local Programs Construction Phase Overview Presentation

The *TDOT Local Programs Construction Phase Overview Presentation* was also evaluated to ensure that no person or groups of persons shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by TDOT or its recipients, sub-recipients, and contractors.

Self-Evaluation Findings

- Issues identified in the *TDOT Local Programs Construction Phase Overview Supplemental Material* (see **Section 2.1.6.1**) are also applicable to this presentation.
- No mention of ADA in any of the procedures charts. While ADA may be addressed throughout the procedure, it is not specifically mentioned.
- No mention of procedures or requirements for ADA Title II/504 for sub-recipients when issuing or not issuing a Notice to Proceed.
- Preconstruction Meeting Agenda does not contain ADA language and/or a Notice to the Public.

Recommendations

- Recommendations provided in the *TDOT Local Programs Construction Phase Overview Supplemental Material* (see **Section 2.1.6.1**) are also applicable to this presentation.
- Add ADA-related text to the procedures charts. ADA requirements will be highlighted in the visual procedure summary to emphasize the inclusion of ADA throughout all project phases.
- This document will include a checklist for projects within a sub-recipient's jurisdiction. This checklist will ask if the sub-recipient has met all ADA requirements under Title II/504, including a Transition Plan. These requirements could ultimately affect federal funding for TDOT and their sub-recipients.
- Any documents that are disseminated from the TDOT to the public will have an ADA Public Notice statement included. This statement will provide the public notice of TDOT's obligations under the ADA Title II and Section 504. See **Section 2.1.3 ADA Notice of Requirements** for more information.

2.1.7 TDOT Standard Drawings Library

TDOT has developed standard drawings for use by designers, engineers, and contractors with details of non-unique construction elements. These standardized drawings eliminate the need to reproduce or modify the plans details for each project and allows for consistent installation for common construction features such as sidewalks and curb ramps.

A review of current TDOT standard drawings was performed for those standard drawings related directly or indirectly to pedestrian access to assure accessibility requirements are addressed and incorporated in the design details. The pedestrian related standard drawings were reviewed for compliance with the 2011 PROWAG. By a written policy from the Chief Engineer, TDOT has officially adopted PROWAG as a standard for design and construction of pedestrian facilities within the public right-of-way.

FHWA has approved the current TDOT Standard Drawings.

Self-Evaluation Findings

Inconsistencies with PROWAG or recommended modifications were provided to and reviewed with the TDOT ADA Coordinator. Redlines of each standard drawing are provided in **Appendix A-9**.

Recommendations

Table 1 documents the drawings reviewed and recommended modifications.

Table 1. Standard Drawings Review

DRAWING NUMBER	DRAWING TITLE	DRAWING REVISION DATE	RECOMMENDATION
RD01-TS-6	Typical Curb and Gutter Sections with Shoulder	10-10-16	Add note that desirable sidewalk cross slope is 1.5%, absolute maximum is 2.0%.
RD01-TS-6A	Typical Curb and Gutter Sections without Shoulder	7-31-13	Add note that desirable sidewalk cross slope is 1.5%, absolute maximum is 2.0%.
RD01-TS-9	Design Standards for Single Lane Urban and Rural Roundabouts	6-15-12	Add note that desirable sidewalk cross slope is 1.5%, absolute maximum is 2.0%. Add note that landscaping within landscape strip shall not obstruct sight distance angles and block sight of pedestrians.
RD01-TS-10	Design Standards for Multi-Lane Urban and Rural Roundabouts	6-15-12	Add note that desirable sidewalk cross slope is 1.5%, absolute maximum is 2.0%. Add note that landscaping within landscape strip shall not obstruct sight distance angles and block sight of pedestrians.
RD01-TS-8	Shared Use Path Typical Sections	4-8-16	Add note that desirable path cross slope is 1.5%, absolute maximum is 2.0%. Correct Note C to reference "S-BPR-1", not "S-PBR-1".
RP-H-3	Curb Ramp and Truncated Dome Surface Detail	10-10-16	Rename drawing to eliminate the word "AND" since no curb ramps are detailed on this drawing
RP-H-4	Perpendicular Curb Ramp	10-10-16	Sidewalk width is shown as 4' min., 5' preferred; however, RP-S-7 shows sidewalk with 5' min. width. Add note requiring design exception for 4' width. Consider updating 6'-3" dimension to 8'-4" and updating 10'-3" to 12'-4". Note to designer should also be updated to reflect 12'-4" (or 12'-5" if going with 5' min. as shown on RP-S-7).
RP-H-5	Parallel Curb Ramp	10-10-16	Add note for max gutter slope to be 5% max. and to locate the curb ramp where water will not pond at the gutter. Add dimension of 1.5% max. slope on landing in both directions.
RP-H-6	Pedestrian Refuge	10-10-16	Note G implies 5' wide curb ramps are applicable for islands as well as medians, but curb ramps are shown 4' wide matching the 4' x 4' landing. Add missing 4' dimension for curb ramp widths on island detail for clarity. Add 2' minimum dimension between truncated domes on raised right turn channelized island detail.
RP-H-7	Perpendicular Curb Ramp in Curve	10-10-16	No comments

Table 1: Standard Drawings Review (cont.)

DRAWING NUMBER	DRAWING TITLE	DRAWING REVISION DATE	RECOMMENDATION
RP-H-8	Perpendicular Curb Ramp Placed Outside Curve	10-10-16	Add minimum dimensions for turning space at top of curb ramp where constrained by building frontage.
RP-H-9	Parallel Curb Ramp in Curve	10-10-16	Revise NOTE TO DESIGNER (boxed note) to state that two (2) separate curb ramps are the preferred design for ramps in curves in compliance with PROWAG and TDOT practice. Label details as "A", "B", "C" and, "D" beginning in the upper left quadrant and moving clockwise. Detail B (upper right) should be labeled as the preferred design. Add note that Options A, C, and D will require a design variance from TDOT.
RP-S-7	Details for Concrete Sidewalks	2-5-16	Add note to discourage utility boxes in sidewalks. Utility boxes or grates within sidewalks should have firm, stable, and slip resistant covers with no level changes. Add note indicating grates shall meet PROWAG requirements for opening widths of $\frac{1}{2}$ " max.
RP-S-9	Alternate Details for Pedestrian Facilities	2-5-16	Add 1.5% max. cross slope labels. In Shared-Use Path Plan View, add note that trench drain grate shall be flush with shared-use path surface.
RP-D-15	Details of Standard Concrete Driveways	4-8-16	No comments
RP-D-16	Details of Lowered Standard Concrete Driveways	4-8-16	No comments
S-BPR-1	Bike/Pedestrian Safety Rail	2-5-16	No comments
T-SG-6	Pedestrian Signal Details	6-27-16	Add note that a 48" x 30" clear space is required in front of push button with 2.0% max. cross and running slope. Clarify Note 2 by adding "PROWAG" before "R104.2" and "R403".
T-SG-9	Details of Cantilever Signal Support	6-27-16	Add note that a 30" x 48" clear space is required in front of push button with a 2% max. cross and running slope.
T-WZ-55	Sidewalk Traffic Control	10-10-16	Add dimension for plywood curb ramp to be 5' min in width. Add dimensions for turning space landing at top of plywood ramp to be 5' x 5' min. Add note for 4" minimum edge protection of plywood ramp is typical for ramp and landing.
STD-11-1	Bridge Railing Concrete Parapet with Structural Tubing	5-1-14	Add note that desirable sidewalk cross slope is 1.5%, absolute maximum is 2.0%.

2.1.8 TDOT Communication Policy (ADA Communication Assessment)

The Communication Policy ensures that all employees and the public are aware that TDOT has certain obligations for all publications under the ADA. A statement notifying the public will be included in any publication disseminated from TDOT. The following information is provided on the TDOT website (<http://www.tn.gov/tdot/article/transportation-americans-with-disabilities-communication-assessment>) regarding the ADA Communication Assessment:

All programs have been reviewed for communication compliance with the director of each TDOT division. Each office will make publications readily available in large print, Braille, audio tape, readers, verbal descriptions and computer diskette formats when needed. As a result of the review, each division, including TDOT's Communications Division, is aware of the following services:

- *TDOT has an agreement with the League for the Deaf and Hard of Hearing, established for providing qualified interpreting services. TDOT will provide this service when needed to ensure effective communication in all TDOT programs.*
- *TDOT has long worked with the Center for Independent Living of Middle Tennessee and has established an account for Braille printing services and assisted listening devices as needed to ensure effective communication.*

Furthermore, all video and multimedia made available to the public by TDOT will be accessible. Per Section 508 Standards, § 1194.24 Video and Multimedia Products:

- (c) *All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain speech or other audio information necessary for the comprehension of the content, shall be open or closed captioned.*
- (d) *All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain visual information necessary for the comprehension of the content, shall be audio described.*
- (e) *Display or presentation of alternate text presentation or audio descriptions shall be user-selectable unless permanent.*

Self-Evaluation Findings

Upon review of the "ADA Communication Assessment", it was discovered that an actual policy could not be found. This document describes the assessment process and what services employees are aware of. It does not describe TDOT's stance or obligations regarding publications.

Recommendations

TDOT will revise the "ADA Communication Assessment" to be an actual Communication Policy instead of an assessment summary to be include within publications disseminated from TDOT.

All TDOT videos available to the public were not reviewed; however, the Department will confirm that the Section 508 requirements related to closed captioning and/or transcripts are met for video that are currently available for public viewing.

Completed Actions

A TDOT Communications Policy and Statement has been developed (see **Appendix A-10**).

2.1.9 Request for Reasonable Accommodation Procedure

The ADA requires that reasonable accommodations be made to qualified individuals with disabilities. This may include any changes in an employee's work environment to provide equal employment opportunities and/or providing the general public an alternate format of a publication.

Self-Evaluation Findings

After reviewing several documents and language on the website, the Consultant Team was unable to locate a policy or procedure for reasonable accommodations. The website advises that there is a reasonable accommodation policy in place, which directs you to the document "Disability Discrimination Policy". However, this document does not contain a reasonable accommodation procedure.

Recommendations

TDOT will draft a procedure on reasonable accommodations. The reasonable accommodation procedure will also include a statement within TDOT's public notice. The following draft procedure could be used:

To request an accommodation, alternative format of communication, and/or modification of policies and procedures, in order to access and benefit from programs, services and activities, please submit a verbal, written or email request using the TDOT's Reasonable Accommodation Form. Copies of this form may be printed from the Department's website or a copy may be obtained by contacting the Department's ADA Coordinator.

To request an accommodation for a scheduled event, please contact the office of the ADA / Section 504 Coordinator, Margaret Zeman Mahler, at (615) 741-4984, Tennessee Relay: 7-1-1, or via e-mail at TDOT.ADA@tn.gov, no later than 5 days before any scheduled event.

Completed Actions

A TDOT Reasonable Accommodations Procedure and Form has been developed. Copies are provided in **Appendix A-11** and **Appendix A-12**, respectively.

2.1.10 Adopt-A-Highway

The Adopt-A-Highway program keeps Tennessee beautiful! Since the program's inception in 1989, TDOT's volunteers have collected more than 12 million pounds of litter from Tennessee's roadsides. These valuable contributions are helping produce cleaner roadsides, reduce maintenance costs, and boost litter prevention awareness in the Volunteer State. Tennessee's Adopt-A-Highway Program provides an opportunity for individuals and groups concerned about the environment to take an active role in preserving and protecting our state's natural beauty. Information related to the program is provided on TDOT's website (<https://www.tn.gov/tdot/article/adopt-a-highway>) and includes hyperlinks to the following new volunteer resources:

- Volunteer Application Form
- District Contact Information
- New Group Information Packet (Adopt-A-Highway Tennessee Department of Transportation Volunteer Group Orientation Packet)
- Volunteer Liability Release Form
- Volunteer Group Recognition Panel Options
- Volunteer Safety Video

Self-Evaluation Findings

The Consultant Team was unable to locate alternate formats of the online Volunteer Application. There is not any type of reasonable accommodation statement or any ADA Public Notice Language on the Volunteer Application either. A copy of the Volunteer Application Form is available online (<http://www.tn.gov/tdot/article/online-volunteer-application-form>) and a copy is provided in **Appendix A-13**.

After reviewing the website for this program, the “Volunteer Group Orientation Packet” was located and evaluated. The packet does not list any type of physical restrictions or qualifications. However, it does specify that all participants must be at least 12 years of age and participants between 12 and 17 years of age will be adequately supervised by an adult. It does not specify cognitive age. The “Volunteer Group Orientation Packet” does not mention any type of a reasonable accommodation policy for participants. A copy of the “Volunteer Group Orientation Packet” is available online (http://tn.gov/assets/entities/tdot/attachments/Revised_newgroupaahpacket_2016.pdf) and a copy is provided in **Appendix A-14**.

The website states that TDOT will provide numerous things to the volunteers, including the Volunteer Guidelines and Safety Video. The Consultant Team was unable to locate alternate formats of the online Volunteer Guidelines. However, the Safety Video was closed-captioned to accommodate viewers with hearing impairments.

Recommendations

TDOT will provide the Volunteer Guidelines in alternate formats if a request is made.

TDOT will add language regarding physical and cognitive restrictions or qualifications, as well as information on the reasonable accommodation policy, to the “Volunteer Group Orientation Packet”.

2.1.11 ADA Checklist

TDOT provides an ADA Checklist for TDOT employees who are responsible for public meetings and public hearings. The ADA Checklist is available on the TDOT website (<http://www.tn.gov/tdot/article/transportation-americans-with-disabilities-checklist>):

This following checklist is for TDOT employees who are responsible for public meetings and public hearings. Any member of the public that needs assistance may contact the TDOT ADA Office by phone at 615-741-4984, Tennessee Relay: 7-1-1, or email TDOT.ADA@tn.gov.

Parking and Passenger Loading Zones

Is ample handicapped-designated parking available? Is the parking lot well-lighted? Can attendees safely be dropped off at the main entrance?

Site Access

Is the main entrance close to the handicapped-designated parking area? Can attendees safely get from the parking lot to the building without obstacles (e.g., traffic, curbs, stairs)? Is the route marked?

Entrances

Is the entrance the same for all attendees? If not, is the ADA-accessible entrance in the front of the facility? Is it marked with an ADA symbol? Are the entrance doors heavy? Will the ADA-accessible entrance also be the same as the fire exit in case of emergency?

Hallways

Is the route from the entrance to the meeting location clear? Is it clear and marked? Is it free of barriers or gates? Are there ramps along the route? Are elevators easily accessible (if needed)?

Meeting Rooms

Are the aisles in the meeting room wide enough to accommodate canes, walkers, or wheelchairs? Are wheelchair-accessible spaces in the same area or placed throughout the room? Do you have a good, visible location for your sign language interpreter (if needed)? Are the displays (if any) accessible to everyone?

Restrooms and Other Amenities

Are restrooms available? (If not, the facility cannot be used for the planned gathering.) Are drinking fountains available?

Notices and Feedback

Did the meeting notice and/or feedback materials offer alternate formats and/or accommodations? Was a TTY or Tennessee Relay phone number or provided?

For more information, please contact:

Margaret Zeman Mahler
ADA / Section 504 Coordinator
Tennessee Department of Transportation
12th floor, James K. Polk Building
505 Deaderick St.
Nashville, TN 37243
Phone: 615.741.4984
Tennessee Relay: 7-1-1
TDOT.ADA@tn.gov

Self-Evaluation Findings

The ADA Checklist does not provide enough information regarding the ADA requirements to determine compliance.

Recommendations

The ADA Checklist could be revised to include more detailed and in-depth information regarding the ADA requirements for buildings and public rights-of-way. Additional information is provided in the United States Department of Justice Civil Rights Division webpage.

Training could also be provided for all TDOT staff involved in public meetings and hearings.

Completed Actions

A TDOT Access Due-Diligence Checklist for Buildings has been developed (see **Appendix B-15**).

2.1.12 Section 508 of the Rehabilitation Act

Section 508 of the Rehabilitation Act of 1973 requires that all electronic and information technologies developed and used by any federal government agency must be accessible to individuals with disabilities. This includes websites, video and audio tapes, electronic books, televised programs, and other such media. Individuals with disabilities may still have to use special hardware and/or software to access the resources. This law pertains to the federal government, but each state can adopt these regulations for state use. The State of Tennessee has not officially adopted these technology requirements. However, the Department could use the State's stance on website and other digital media policies and procedures. The State of Tennessee Electronic and Information Technology (EIT) accessibility statement can be found here: <https://www.tn.gov/web-policies/accessibility.html>.

Self-Evaluation Findings

No information was found regarding TDOT's Section 508 of the Rehabilitation Act policy, procedure, and form with appeals process.

Recommendations

- TDOT will develop an ADA grievance policy, procedure, and form with appeals process for Section 508 of the Rehabilitation Act. The form will include the complainant's contact information, description of the electronic and information technology in question, and specific details regarding the non-conforming aspects and remedy that is being requested.
- The policy, procedure, and form with appeals process will be adopted Department-wide, posted on TDOT's website, and publicized in common areas that are accessible to all employees and the public.
- TDOT will maintain an ADA complaint log. This log will be confidential and will include an internal complaint number, details about the complaint, and details regarding the resolution.

2.1.13 Appeals Process

The Petition for Appeals Process is established to meet the requirements of the Americans with Disabilities Act. In the event an individual believes TDOT has failed to comply with the Americans with Disabilities Act, an appeal can be filed and the complaint will be re-evaluated.

Self-Evaluation Findings

After a complete review of the TDOT website, information regarding the TDOT Appeals Process was unable to be found. An Appeals Process should be provided for any type of grievance procedure / policy, which includes Title II/504 and Section 508.

Recommendations

TDOT will develop Appeals Processes for Title II/504 and Section 508. These processes will provide adequate information to the complainant in the event he/she believes TDOT has failed to comply with the ADA. The process will be un-biased and will not create any conflicts of interest.

Complete Actions

A TDOT Appeals Process for Title II/504 and a TDOT Appeals Process for Section 508 have been developed. Copies are provided in **Appendix A-16** and **Appendix A-17**, respectively.

2.1.14 TDOT Webpage

The Tennessee Department of Transportation's (TDOT) website is a primary source of information regarding TDOT programs, services, and activities. The TDOT website (<https://www.tn.gov/tdot>) has taken on an increased importance as an effective communication tool to ensure that communications with individuals with disabilities is equally effective as communication with individuals without disabilities.

Providing public access through the website is effective communication by providing auxiliary aids and services. New accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act of 1973 and Web Content Accessibility Guidelines (WCAG) 2.0, have set forth the technical and functional performance criteria necessary for such technology to be accessible.

Self-Evaluation Findings

TDOT's website was reviewed for accessibility and usability using a combination of automated and manual testing to achieve conformance with Section 508 of the Rehabilitation Act of 1973 (accessibility) and WCAG 2.0 (usability). Automated testing software was used to identify error type, location, frequency, and other valuable information. Manual testing to identify issues was completed with preferred assistive technologies (i.e., Jaws, Windoweyes, Dragon, Magic, and Zoomtext).

The focus of the review was on TDOT's primary webpages, each Division's main webpage, and the ADA Compliance webpage. Six (6) main areas were evaluated on 182 TDOT webpages: errors, accessibility, compatibility, search, standards, and usability. TDOT is currently working on updates to the webpages based on the results of the review.

Recommendations

All TDOT videos available to the public were not reviewed; however, TDOT will confirm that the Section 508 requirements related to closed captioning and/or transcripts are met for all videos that are currently available for public viewing. Videos intended for employee use only will meet the same requirements.

TDOT will ensure effective communication efforts by improving website usability. One way this can be done is by adding an International Symbol of Accessibility to the row of icons on the TDOT home page, which links to the ADA Office. The U.S. Department of Justice's guidance for "Effective Communication" can be found here: <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

2.2 Policies and Procedures Development

Based on the programs, procedures, and policies review, the following documents were developed as part of this project:

- Instructional Bulletin for updates to TDOT Design Guidelines, Section 3-310.05 Curb Ramps
- TDOT Pedestrian Accessibility Standards for Facilities in the Public Right-of-Way

The following sections detail the contents of each document.

2.2.1 Instructional Bulletin for Installation for updates to TDOT Design Guidelines, Section 3-310.05 Curb Ramps

TDOT wanted to standardize the color of detectable warning surfaces used on all projects funded by TDOT or in TDOT ROW.

Inconsistencies in design were prevalent around the state and some color choices of detectable warning surfaces did not provide the dark-on-light or light-on-dark contrast required by PROWAG. Based on research studies, yellow has been determined to be the last color the human eye loses as aging occurs; therefore, TDOT has decided to use yellow detectable warning surfaces on all TDOT-funded projects.

TDOT issued Instructional Bulletin No. 16-06 on July 7, 2016 indicating that yellow detectable warnings should be used exclusively on all TDOT-funded projects. Specifically, the Bulletin indicated Section 3-310.05 of the Roadway Design Guidelines had been updated to include the following text:

Truncated domes shall be used with all curb ramps at all street and high traffic commercial driveway crossings/ curb ramps shall contain a detectable warning surface that consists of raised truncated domes and be "YELLOW" in color.

Additional changes were also made to TDOT Design Guidelines, Section 3-310.05 Curb Ramps, including:

- Section title was updated from “Handicap Ramps” to “Curb Ramps”;
- References to Type 1 and Type 2 curb ramps were replaced with references to perpendicular, parallel, and lowered corner ramps and blended transitions;
- Information about accessible pedestrian signal (APS) and pedestrian push buttons was added.

A copy of the Instructional Bulletin is provided in the **Appendix A-18**.

2.2.2 TDOT Pedestrian Accessibility Standards for Facilities in the Public Right-of-Way

The Tennessee Department of Transportation *Pedestrian Accessibility Standards for Facilities in the Public Right-of-Way* (TDOT Pedestrian Accessibility Standards) combines into one document the requirements, guidelines, and best practices for accessible pedestrian facilities in the public transportation right-of-way as identified by the:

- Americans with Disabilities Act of 1990 (ADA);
- ADA Standards for Transportation Facilities 2006 (2006 Standards) adopted by the U.S. Department of Transportation;
- Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG 2011) developed by the U.S. Access Board;
- Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, Shared Use Paths (PROWAG Supplement 2013); The 2013 PROWAG Supplement includes unchanged PROWAG 2011 guidance as well as revised PROWAG 2011 guidance and new guidance on a variety of features;
- U.S. Department of Justice (DOJ);
- U.S. Department of Transportation (USDOT); and
- TDOT Roadway Design Standards (<http://www.tn.gov/tdot/topic/roadway-design-design-standards>).

The standards provided in this document, in concert with the Manual on Uniform Traffic Control Devices (MUTCD), are intended to assist all public and private sector transportation planners and engineers in the effort to achieve a more consistent approach to planning, design, construction, and maintenance of accessible pedestrian facilities in the public transportation right-of-way. The *Pedestrian Accessibility Standards for Facilities in the Public Right-of-Way* have been developed to meet the spirit and intent of the legislation as well as the regulatory requirements and guidance of ADA, DOJ, and USDOT as of the date of this publication. The primary reference documents used are the 2006 USDOT Standards with citations noted as numbers (e.g., 101.1) and the U.S. Access Board’s 2011/2013 PROWAG with citations noted as numbers preceded by R (e.g., R101.1). (Please access the hyperlinks above for the latest editions of these reference documents.)

2.2.3 Land Leases

TDOT currently has active land lease agreements with several different entities. The local agencies use TDOT-owned land to build trails that are available for public use. TDOT is currently working on updating the land lease language to make the local agencies responsible for ensuring ADA compliance of all facilities constructed on TDOT land.

2.3 Facilities Review

TDOT's architectural surveys were performed by the Consultant Team working in conjunction with TDOT's ADA Office and Maintenance staff. All TDOT-owned facilities were surveyed by the consultants using ADAAG 28CFR Part 36 as the standard. The resulting checklist addressed areas of compliance and non-compliance with ADAAG in the areas of parking, exterior paths of travel, entrances, interior paths of travel, restrooms, service counters, and meeting rooms.

Because most of the transportation buildings were built in the 1950s and 1960s, many facilities had some areas of noncompliance, which varied in degree of severity. However, the majority of the District Office buildings were built after January 26, 1992, which means they are considered 'new' under the ADA and all items out of compliance are considered a high priority.

As a Title II entity, TDOT is not required to remove all barriers within areas that only employees have access to until an employee with a disability makes a request. Those items are listed as very low priorities in the reports.

Summary reports were developed for each facility type to document the findings of the evaluations. The reports identify the compliance status of each facility with regard to federal standards and include the following elements:

- Listing of facilities that are in compliance with current ADA standards;
- Listing of facilities that are not in compliance with current ADA requirements;
- Recommended actions to resolve non-compliance issues for each facility;
- Prioritized list of improvements using criterion developed by the Consultant;
- "Cost estimate report" that assigns conceptual budget estimates to each recommended action; and
- Photolog summary for facilities, parking lots, and issues along sidewalk corridors.

The summaries and checklists are being used by TDOT Maintenance Division to determine barrier removal and to prioritize complete facility replacement. Over 140 employees have received extensive ADAAG training to ensure that modifications to buildings are done correctly and that facilities remain barrier free.

Copies of the facility report summaries are provided in **Appendix B-1 through B-5**. Copies of the complete facility reports can be viewed in the ADA Office during regular working hours. Updates are made to the survey of facilities monthly.

2.3.1 Regional Complexes

The following Regional Headquarters Complexes and associated facilities were evaluated:

- Region 1 Headquarters Complex
 - Administration Building A
 - Construction Field Office, Building C
 - Maintenance, Building D
 - Garage, Building E
 - Highway Marking, Building F
 - District Offices
 - Johnson City District Office
 - Morristown District Office
 - Newport District Office
 - Harriman District Office
 - LaFollette District Office

- Transportation Management Center (TMC)
- Materials and Testing, Building B
- Region 2 Headquarters Complex (currently under construction)
 - Transportation Management Center (TMC)
 - District Offices
 - Cookeville District Office
 - Crossville District Office
 - Dunlap District Office
 - Tullahoma District Office
- Region 3 Headquarters Complex
 - Administration Building A
 - Annex Trailers
 - Construction Field Office Building C
 - Maintenance, Building G
 - Garage Building E
 - Highway Marking Building F
 - Transportation Management Center (TMC)
 - District Offices
 - Gallatin District Office
 - Clarksville District Office
 - McEwen District Office
 - Belfast District Office
 - Lawrenceburg District Office
- Region 4 Headquarters Complex
 - Administration Building A
 - Construction Field Office, Building C
 - Maintenance, Building D
 - Garage, Building E
 - Highway Marking, Building F
 - District Offices
 - McKenzie District Office
 - Newbern District Office
 - Bethel Springs District Office
 - Arlington District Office
 - Transportation Management Center (TMC)

Sections 2.3.1.1 – 2.3.1.8 describe the common deficiencies found at each building type within the Regional Headquarters Complexes.

2.3.1.1 *Administration Buildings*

The Administration buildings have a variety of parking issues that will need to be resolved. In some cases, such as Region 1, there are not enough accessible parking spaces per lot. None of the Administration Buildings have compliant van accessible spaces and several of the parking lots have no access aisle serving the accessible parking spaces. Another common issue in the administration buildings is not having a compliant path of travel from the

accessible parking to the building entrances they serve. The Region 3 Administration building has a passenger drop off area with no access aisle and no compliant path of travel from the accessible parking to the building entrance.

Most of the entrances have door mats that are not secured to the floor and several of the main entry doors close too quickly. The interior path of travel has non-compliant reception and service desks throughout the facility as well as several protruding objects in the path of travel, including drinking fountains. The path of travel in many areas have been obstructed by tables, file cabinets and files boxes. The drinking fountains themselves also don't comply. Signage that designates permanent spaces does not have the required raised texture or Braille. Several interior doors require more than 5 lbs. of pressure to open.

Attempts have been made to make the restrooms compliant, but there are several items that are not in every facility. For instance, in Region 1 the Men's restrooms all have the flush control mechanism on the wrong side and non-compliant urinals and all the restrooms have items mounted in areas where they obstruct the use of the grab bars. Some restrooms have had office furniture placed in the path of travel.

None of the break rooms provided are compliant in any of the facilities; however, those will be considered a lower priority issue if used by employees only.

2.3.1.2 Construction Field Offices

The Construction Field Offices have a variety of parking issues and, in most cases, there are many improvements needed. There is a shortage of accessible parking spaces, missing van signage, and improperly placed signage. Accessible van spaces are not always on the shortest accessible route to the building. Region 4 had state vehicles and a picnic table in the accessible spaces at the time of inspection, and uneven and cracked asphalt. In Region 1, there was no accessible route from parking in front of the building to get to the sidewalk or building entrance, and no curb ramps. Most locations have curb ramps or paths of travel with excessive slopes.

Most of the inaccessible entrances do not have directional signage directing people to the accessible entrance and the mats at the entrance doors are not properly secured. The interior path of travel needs compliant signage throughout the buildings for all areas that designate permanent spaces. There are several protruding objects in the path of travel, including drinking fountains and fire extinguishers. The drinking fountains do not comply in each facility. The reception desks in Regions 3 and 4 do not have a 36" high section of the counter provided. Region 3 has all non-compliant door knob hardware, requiring a twisting of the wrist to operate.

It appears that some attempts have been made to make at least some restrooms compliant. However, there are many issues that need to be addressed to bring the restrooms into compliance, including but not limited to, restroom doors that close too quickly or require more than 5 pounds of pressure to operate. Where provided, the restroom stall doors are not self-closing and do not have pulls on both sides of the door. Objects within the restrooms protrude into the path of travel or out of reach range. The pipes under the lavatories need to be protected against contact and some flush controls are on the wrong side of the water closet. In Region 3, there is no accessible stall provided in the men's restroom.

Only Region 1 had breakroom violations. The microwave is too high and out of reach range, and the counter top is too high. If these buildings are not open to the public, breakroom areas should be low priority.

2.3.1.3 Region 3 Annex Office Trailers

The off-campus annex trailers located on the north side of Centennial Boulevard have parking issues, including accessible parking spaces without access aisles to serve the accessible parking spaces and no signage is provided. The accessible route to the entrance is substantially compliant.

The inaccessible entrances have no directional signage directing people to the accessible entrance. The main entrance has a metal threshold with a vertical change in level. The interior path of travel has a non-compliant reception desk, and a number of protruding objects in the path of travel, including drinking fountains, fire extinguishers, and desk surfaces. Floor mats are not secured to the floor.

The restrooms signage currently does not have the required Braille or raised texture characters. Signage is currently mounted on the doors, so new signage will need to be relocated to the wall next to the latch side. Soap dispensers, paper towel/hand dryers are not mounted within the required reach range. Grab bars are too high and rear grab bars are not properly mounted. Toilet paper dispensers are also too close to the water closet. In the women's restroom specifically, the flush control is mounted on the wrong side of the water closet (it should be on the open side) and the lavatory has exposed pipes.

The only need in the break room is that the counter is 36" instead of the max of 34". This is a lower priority unless a current or future employee need warrants the change.

2.3.1.4 Maintenance Buildings

The Maintenance Buildings have many parking issues. Region 1 has no accessible parking directly serving the building. Parking spaces must be located on the shortest accessible route and include signage. An accessible route is not provided to the building entrance in Region 3. Curb ramps must be maintained and running slopes and cross slopes need to be within compliant ranges.

Most entry doors close too quickly and will need to be adjusted. Floor mats are not secured to the ground and no directional signage was provided at non-accessible entrances to direct people to the accessible entrance. There was no established accessible entrance for Region 3 per the TDOT report. The interior path of travel has non-compliant reception desks, and several protruding objects in the path of travel including a fire extinguisher, chair, trash can, refrigerator, and drinking fountains. The accessible path of travel is required to be 36" and thresholds into offices meet the required standards. No compliant water fountains are provided at Region 1 or Region 4. The Region 3 waiting room has no clear floor space for a wheelchair.

It seems that some attempts for compliance in the restrooms in Region 1 have been made, but there are still several items out of compliance in the Maintenance Building restrooms. Doors that close too quickly, grab bars improperly mounted, items protruding in the path of travel, not enough turn radius, signage without Braille on the entrance doors, excessive counter tops heights, pipes not wrapped to protect on contact, and flush controls on the wrong side of the water closet.

The break rooms have reach ranges out of compliance, excessive counter tops heights, and missing required knee/toe clearance for forward approach. In Region 3, the path of travel width from the refrigerator to the break room counter is reduced by a table.

2.3.1.5 Garages

Garages were located within the Headquarters Complexes for Regions 1, 3, and 4. The garage buildings vary in compliance but all are older buildings that are a lower priority to bring into compliance unless an employee with a disability makes a specific request.

None of the garage buildings have compliant parking or compliant entrances. Most of the entrances have mats at the doors that are not properly secured.

Once inside the garage buildings there is little attempt at compliance. Hallways have protruding objects some of the doors have cylindrical hardware and most of the doors are too heavy to open. None of the break rooms comply and none of the restrooms are fully compliant.

2.3.1.6 *Highway Marking Buildings*

The Highway Marking Buildings have a variety of parking issues. The parking issues range from no accessible parking, to not having access aisles or signage provided. There are no crosswalks provided from parking to the building entrances. The current routes to the building entrances have excessive slopes. In Region 4, there are no wheel stops to keep the cars from obstructing the intended accessible route from the accessible parking spaces to the building entrance.

Most of the entrance doors are missing directional signage at non-accessible entrances, directing people to the accessible entrance. Floor mats must be secured to the ground. The entry doors close too quickly and some have excessive slopes at the entrance, which need to be corrected so those with mobility challenges have equal access. The interior paths of travel have no accessible drinking fountains, floor mats that need to be secured, protrusions in the path of travel including a non-compliant drinking fountain. Knob hardware on the doors require a twisting of the wrist and should be replaced with lever hardware. The reception desk does not have a lowered section, 36" in height. The door to the Region 3 vestibule currently requires more than 5 pounds of pressure to operate, exceeding the limits.

The restrooms have many violations, both minor and major, from excessive mirror mounting heights, to non-accessible stalls. There are lavatory pipes not protected against contact, improperly mounted grab bars, flush controls on the wrong side of the water closet, the path of travel obstructed by protrusions, stall doors that do not have door pulls on both sides of the door, and restrooms needing signage with Braille on the doors. The door to the restroom must require less than 5 pounds of pressure to open.

Break rooms in the Highway Marking Buildings have excessive counter top heights, usable objects out of reach range, and paths of travel obstructed, including no clear turn radius of 60". Region 1 has the maneuvering clearance for the sink blocked by the refrigerators.

2.3.1.7 *District Offices on Regional Headquarters Complexes*

The District Offices vary in compliance. The following sections summarize District Office compliance by region. None are fully compliant. Most of the District Offices are two levels with only a conference room and a few offices on the second floor, and no restrooms. Because of the size and function of the second floor, there is no need to install vertical access. However, to ensure program access, there must be an alternative location for conferences and meetings that is on an accessible route. The Consultant Team addressed the lack of vertical access programmatically instead of requiring the installation of an elevator. However, if there is no alternative space for meetings or conferences, vertical access will be required. Costs for elevator installation were not provided by the Consultant and compliance was given a low priority (level 12) until an employee needs access to the second floor and triggers the need for programmatic resolution.

Region 1

Region 1 has five District Offices: Johnson City, TN; Morristown, TN; Newport, TN; Harriman, TN; and LaFollette, TN. They are all similar in design and age.

Most were built in 1983 and renovated in 2001. Because there was a 2001 renovation, compliance should have been achieved for the parking and path of travel issues, but it was not. None are fully compliant.

Parking for these facilities is not compliant. Some have slope issues, signage issues or no access aisle. Several do not have enough designated accessible parking. None have fully compliant parking. Changes will need to be implemented to ensure compliance.

In some, the path from the accessible parking space in the front of the building requires travel in the drive lane to the sidewalk. Others require travel along a non-compliant sidewalk or ramp, or sidewalks that should be ramps.

The interior ramp to each garage is also not compliant because the level area at the top, by the door, has only 48" depth instead of the required 60". The interior doors are heavy (more than 5 lbs. of pressure are required to open the doors) and closer adjustments should become part of regular facility maintenance.

The women's restroom is located inside the office area and the men's restroom is in the garage area. In an earlier remodel, the women's restroom was upgraded with accessible features and intended to be used as a unisex accessible restroom, although the signage still says "Women". The men's restroom, which is in the garage area, has no compliant features and would need to be completely taken out and replaced for compliance.

The break room sink is not compliant and the room is filled with furniture so the path of travel is not wide enough to accommodate a person in a wheelchair.

Region 2

Region 2 has four District Offices: Cookeville, TN; Crossville, TN; Dunlap, TN; and Tullahoma, TN. They are all similar in design and age.

Most were built in 1983 and renovated in 2003. Because there was a 2003 renovation, compliance should have been achieved for the parking and path of travel issues, but it was not. None are fully compliant.

Parking for these facilities is not compliant. Some have slope issues, signage issues or no access aisle. Several do not have enough designated accessible parking. None have fully compliant parking. Changes will need to be implemented to ensure compliance.

In some, the path from the accessible parking space in the front of the building requires travel in the drive lane to the sidewalk. Others require travel along a non-compliant sidewalk or ramp, or sidewalks that should be ramps.

The interior ramp to each garage is also not compliant because the level area at the top, by the door, has only 48" depth instead of the required 60". The interior doors are heavy (more than 5 lbs. of pressure are required to open the doors) and closer adjustments should become part of regular facility maintenance.

The women's restroom is located inside the office area and the men's restroom is in the garage area. In an earlier remodel, the women's restroom was upgraded with accessible features and intended to be used as a unisex accessible restroom, although the signage still says "Women". The men's restroom, which is in the garage area, has no compliant features and would need to be completely taken out and replaced for compliance.

The break room sink is not compliant and the room is filled with furniture so the path of travel is not wide enough to accommodate a person in a wheelchair.

Region 3

Region 3 has six District Offices; Gallatin, TN; Clarksville, TN; McEwen, TN; Belfast, TN; and Lawrenceburg, TN. They are all similar in design and age.

Most were built in 1983 and renovated in 2009. Because there was a 2009 renovation, compliance should have been achieved for the parking and path of travel issues, but it was not. None are fully compliant.

Except for Clarksville, the rest of these facilities do not have compliant parking. Some have slope issues, signage issues or no access aisle. One does not have enough designated accessible parking. Most have a non-compliant path of travel to the entrance, or non-compliance entrance itself. Changes will need to be implemented to ensure compliance.

The interior ramp to each garage is also not compliant because the level area at the top, by the door, has only 48" depth instead of the required 60". The interior doors are heavy (more than 5 lbs. of pressure are required to open the doors) and closer adjustments should become part of regular facility maintenance.

The women's restroom is located inside the office area and the men's restroom is in the garage area. In an earlier remodel, the women's restroom was upgraded with accessible features and intended to be used as a unisex accessible restroom, although the signage still says "Women". The men's restroom, which is in the garage area, has no compliant features and would need to be completely taken out and replaced for compliance.

The break room sink is not compliant and the room is filled with furniture so the path of travel is not wide enough to accommodate a person in a wheelchair.

Region 4

Region 4 has four District Offices; McKenzie, TN; Newbern, TN; Bethel Springs, TN; and Arlington, TN. They are all similar in design and age.

Most were built in 1983 and two were renovated in 2001, the date of the renovations for Bethel Springs or Arlington is unknown. Because there was a 2001 renovation, compliance should have been achieved for the parking and path of travel issues, but it was not. None are fully compliant.

Parking for these facilities is not compliant. Some have slope issues, signage issues or no access aisle. Several do not have enough designated accessible parking. None have fully compliant parking. Changes will need to happen to ensure compliance.

In some the path from the accessible parking space in the front of the building requires travel in the drive lane to the sidewalk. Others require travel along a non-compliant sidewalk or ramp, or sidewalks that should be ramps.

The interior ramp to each garage is also not compliant because the level area at the top, by the door, has only 48" depth instead of the required 60". The Interior doors are heavy (more than 5 lbs. of pressure are required to open the doors) and closer adjustments should become part of regular facility maintenance.

The women's restroom is located inside the office area and the men's restroom is in the garage area. In an earlier remodel, the women's restroom was upgraded with accessible features and intended to be used as a unisex accessible restroom, although the signage still says "Women". The men's restroom, which is in the garage area, has no compliant features and would need to be completely taken out and replaced for compliance.

The break room sink is not compliant and the room is filled with furniture so the path of travel is not wide enough to accommodate a person in a wheelchair.

2.3.1.8 Transportation Management Centers (TMCs)

The TMC in Region 2 has compliant parking. The other TMCs are not compliant. Accessible parking was not along the shortest route to the main entrance, not enough accessible parking spaces, excessive slopes, and signage mounted at an incorrect height. The accessible routes to the building in Region 1 and Region 3 were both compliant. In Region 2, the picnic table and bench in front of the building block access for someone in a wheelchair. Region 4 has foliage obstructing the sidewalk, curb ramps with excessive slopes, and floor mats that were not secured.

The entrances at the TMCs have minor deficiencies including the need to secure floor mats, directional signage needed at the non-accessible entrances. The main entrance of Region 4 is compliant. The interior path of travel has non-compliant reception desks and a security desk without lowered (36" height) portion provided. Doors must require less than 5 pounds of pressure to open, signage within the buildings have a standard mounting height but not all are at an accessible height and location. Some drinking fountains protrude into the path of travel and some fountains for standing persons are not available.

Attempts have been made to make the restrooms compliant, specifically in Region 4, where the only issues are doors closing too fast and accessible stall doors that are not self-closing and do not have door pulls. For the remaining regions, there are many items of non-compliance including incorrect signage locations, doors that close too fast, excessive door-opening pressure required, grab bars improperly mounted, items protruding into the path of travel, not enough turn radius, excessive counter top heights, pipes not wrapped to protect on contact, and flush controls on the wrong side of the water closet.

The break rooms had reach ranges out of compliance, excessive counter top heights, and missing required knee/toe clearance for forward approach. In Region 1, the path of travel from the refrigerator to the break room counter is blocked by a table.

2.3.1.9 Materials and Testing

The Region 1 Materials and Testing building has some compliant elements; however, there are still some issues that need to be addressed.

In the parking lot, there is a built-up curb ramp that protrudes into the access aisle for the accessible parking space. The way the curb ramp was constructed also creates a tripping hazard, which is a liability for TDOT. The mats in front of the main entrance are also tripping hazards because they are not properly secured.

The restrooms have some compliant elements; however, the flush control mechanism is required to be on the open side of the water closet and the water lines under the lavatories need to be protected from contact. The urinals are in an alcove and the alcove is too narrow. The drinking fountain is not compliant either because there is only one and it is flush mounted.

2.3.1.10 Fuel Station

The Region 4 Fuel Station is a stand-alone building with 10 parking spaces in front. One of the parking spaces is designated as accessible and other than the signage, it is a compliant space. However, the path of travel from the accessible space to the building entrance requires crossing a vehicular route and there is no marked crosswalk. The sidewalk to the main entrance has a cross slope more than double the allowable standard and it continues all the way to the entry door, making the maneuvering clearance at the main entry non-compliant.

The lavatories in both the men's and women's restrooms are above 34", which is the maximum allowance. There are no drinking fountains at standard heights, so one will need to be added.

2.3.2 TDOT Field Offices

The following field offices were evaluated:

Region 1 Field Offices:

- District 17 Elizabethton
- District 18 Newport
- District 19 LaFollette
- District 19 Harriman
- District 19 Alcoa

Region 2 Field Offices:

- District 27 Livingston
- District 27 Cookeville
- District 28 McMinnville
- District 28 Dunlap
- District 28 Tullahoma
- District 29 Benton
- District 29 Cleveland

Region 3 Field Offices:

- District 37 Gallatin
- District 38 Columbia
- District 38 Clarksville
- District 38 McEwen
- District 39 Murfreesboro
- District 39 Belfast
- District 39 Lawrenceburg

Region 4 Field Offices:

- District 47 McKenzie
- District 47 Newbern
- District 47 Trenton
- District 48 Brownsville
- District 48 Bethel Springs
- District 48 Jackson – Included in Region 4 Headquarters “Construction Field Office, Building C”
- District 49 Covington
- District 49 Memphis – Facility no longer exists - operations moved to Arlington District Office

Self-Evaluation Findings

The Field Offices have a variety of parking issues that will need to be resolved. Some of the parking areas have slopes, level changes and no van accessible spaces. Some of the parking lots have no access aisle serving the accessible parking spaces. Another common issue in the Field Offices is not having a compliant path of travel from the accessible parking to the building entrances they serve.

Most of the entrances have mats that are not secured and several of the main entry doors close too quickly and some have slopes to the entry door. The interior path of travel has non-compliant desks with protruding counters through-out the facility. The drinking fountains generally don't comply. Signage that designates permanent spaces does not have the required raised texture or Braille.

In some of the facilities it's clear attempts have been made to make the restrooms compliant, but there are several items that are not compliant in every facility. The items that often are not compliant are grab bars, lavatories, doors, mirrors and in some cases the clear floor space required for the water closet.

All items out of compliance are detailed on the individual facility reports for each Field Office building.

2.3.3 TDOT Aeronautics Division Office

Self-Evaluation Findings

The Aeronautics Division Office has non-compliant slopes in the accessible parking spaces that will need to be resolved. No van accessible spaces are provided. The path of travel from the accessible parking to the building entrance has several slope issues and the ramp provided does not comply.

The main entrance is not compliant and the other non-compliant entrances do not have the required signage. The interior path of travel has a non-compliant reception desk and areas where the path of travel is reduced below 36" in width due to clutter in some areas. The drinking fountains on both floors don't comply.

Clear attempts have been made to make the restrooms compliant, but there are several items that are not compliant in each restroom. The items that often are not compliant are grab bars, lavatories, doors, mirrors and in some cases the clear floor space required for the water closet.

2.3.4 James K. Polk Building

The James K Polk building is the State Headquarters building for TDOT. There is no parking specifically for this building and there are two entrances. The entrance that best serves the TDOT office has non-compliant slopes leading to it. The more accessible entrance has a much longer path of travel through the TPAC building.

Each floor has a variation of drinking fountains, protruding objects, cylindrical door hardware and other non-compliant conditions.

Although some attempts have been made to make the restrooms compliant, none of them have a fully compliant accessible stall on any floor. Often, the path of travel has been reduced due to file cabinets and furniture. Other items are also non-compliant including grab bars, coat hooks and lavatories among the areas needing alteration. This is a high priority due to the large number of non-employees that visit the Department.

2.3.5 Ferry Docks

The following docks were evaluated:

- Benton-Houston Counties
- Cumberland City

Self-Evaluation Findings

Both the Benton-Humphreys and Cumberland City Ferries are drive-on ferries. Tickets are collected on board, so there is no parking or ticketing on shore. There is nothing provided that needs to be brought into compliance.

2.3.6 Truck Weigh Stations

Region 3, I-65 Truck Weigh Station near the Alabama border was evaluated.

Self-Evaluation Findings

The Weigh Station appears to be a new building; therefore, all items are required to be brought into compliance. There is no “van” signage for the accessible parking spaces.

The entry door closes too quickly for compliance and there is a sloped floor between the foyer and the reception desk that does not have handrails installed.

Interior and exterior restrooms are provided for both men and women, and several of the accessible stalls have the flush control mechanism on the wrong side.

2.3.7 Rest Areas

The following rest areas were evaluated:

Region 1 Rest Areas:

- Rest Area #12
- Rest Area #13
- Rest Area #16
- Rest Area #17
- Rest Area #18

Region 2 Rest Areas:

- Rest Area #1
- Rest Area #2
- Rest Area #10
- Rest Area #11
- Rest Area #14
- Rest Area #15

Region 3 Rest Areas:

- Rest Area #6
- Rest Area #7
- Rest Area #8
- Rest Area #9

Region 4 Rest Areas:

- Rest Area #4
- Rest Area #5

Self-Evaluation Findings

Several of the Rest Areas have slopes that exceed 2% in the parking spaces or cross slopes along the required paths of travel to the amenities offered. In most cases the accessible routes from the Truck/RV parking were not as

close as possible to an accessible route, or did not have any crosswalks serving them. There are also several non-compliant curb ramps and sidewalks serving the parking areas. Most of the Rest Areas did not have a compliant path of travel to the pet walk areas.

Some of the Rest Areas have accessible picnic areas and some don't. These are detailed in the individual reports per facility.

Inside the Rest Areas there are protruding objects along the path of travel and vending machines with the highest operable parts above 48".

Attempts have been made to make the restrooms compliance, however there are several non-compliant elements. These are required to be brought into compliance because they serve the public. Again, the details on specific non-compliant elements are included in the individual reports.

2.3.8 Welcome Centers

The following welcome centers were evaluated:

Region 1 Welcome Centers:

- Welcome Center #25
- Welcome Center #30
- Welcome Center #31
- Welcome Center #33

Region 2 Welcome Centers:

- Welcome Center #22
- Welcome Center #21
- Welcome Center #29

Region 3 Welcome Centers:

- Welcome Center #20
- Welcome Center #24
- Welcome Center #27
- Welcome Center #28

Region 4 Welcome Centers:

- Welcome Center #19
- Welcome Center #23
- Welcome Center #32

Self-Evaluation Findings

Several of the Welcome Centers have slopes that exceed 2% in the parking spaces or cross slopes along the required paths of travel to the amenities offered. In most cases the accessible routes from the Truck/RV parking were not as close as possible to an accessible route, or did not have any crosswalks serving them. There are also several non-compliant curb ramps and sidewalks serving the parking areas. Most of the Welcome Centers did not have a compliant path of travel to the pet walk areas.

Some of the Welcome Centers have accessible picnic areas and some don't. These are detailed in the individual reports per facility.

Most of the service counters inside the Welcome Centers do not have a lowered section of the counter for compliance and most have pamphlets that are above the required reach ranges.

Attempts have been made to make the restrooms compliance, however there are several non-compliant elements. These are required to be brought into compliance because they serve the public. Most of the restrooms do not have the required ambulatory stalls installed and several have door, grab bar and flush control issues.

2.3.9 Facilities Cost Projection Overview

Table 2 details the statewide barrier removal costs by facility type and by region. Recommendations were made for each compliance issue and then a planning-level cost projection for each improvement was calculated using the Means ADA Compliance Pricing Guide: Cost Estimates for More than 70 Common Modifications was used for buildings. For items that are not in the Means ADA Compliance Pricing Guide, product research was completed and vendors were contacted for current pricing. A 15% design contingency and 20% construction contingency were included in the total project costs.

Table 2. Facility Cost Estimate Summary

Region	Weigh Station	Rest Stops	Welcome Centers	HQ Complex	Field Offices	District Offices	Polk Building HQ	Ferries	Aero. Hangar	Aeronautics Building	Division Total
1	N/A	\$424,425	\$186,850	\$263,080	\$126,044	\$125,174	N/A	N/A	N/A	N/A	\$1,125,573
2	N/A	\$595,825	\$185,625	\$12,550	\$184,861	\$88,270	N/A	N/A	N/A	N/A	\$1,067,131
3	\$4,100	\$272,150	\$188,150	\$226,550	\$90,250	\$105,705	N/A	\$0	\$13,400	\$56,200	\$956,505
4	N/A	\$146,445	\$302,300	\$153,950	\$139,720	\$92,975	N/A	N/A	N/A	N/A	\$835,390
HQ	N/A	N/A	N/A	N/A	N/A	N/A	\$231,570	N/A	N/A	N/A	\$231,570
Total	\$4,100	\$1,438,845	\$862,925	\$656,130	\$540,875	\$412,124	\$231,570	\$0	\$13,400	\$56,200	\$4,216,169

2.3.10 Facilities Improvement Prioritization

The following section outlines the parameters used to establish the prioritization for improvements. These prioritization factors were taken into consideration when developing the implementation plan for the proposed improvements.

Facilities were prioritized on a 12-point scale, which is defined in **Table 3**. This prioritization methodology has been developed by the Consultant staff to aid TDOT in determining how the facilities should be prioritized for improvements based on the severity of non-compliance with ADA.

Table 3. Prioritization Factors for Facilities

Element	Criteria
Level 1	
Safety Issues	Dangerously steep slopes, protruding objects, obvious safety liabilities, areas where complaints have been filed
Level 2	
Alterations	Did not bring required elements into compliance (adding a break room or restroom that is not compliant)
Doors	Narrow doors (less than 32" clear width)
Older Construction	Severely out of compliance
Level 3	
Accessible Route	No accessible route to adjacent sidewalk system
Accessible Route	No accessible route from parking to building entrances
Entrance Doors	Maneuvering clearance - does not have 18" on pull side (less than 16")
Entrance Doors	Maneuvering clearance - area in front of the door slopes over 4% in any direction
Parking	No accessible parking
Parking	Severely non-compliant parking (excessive slopes, gravel surface, etc.)
Level 4	
Accessible Route	No accessible route to each amenity, inside buildings on site (no elevator to upper areas, steps only, narrow doors, etc.)
Accessible Route	Gaps and grate opening over 1/2"
Accessible Route	No access to public areas (coffee bars, break rooms, conference rooms, smoking areas etc.)
Accessible Route	There is a sidewalk system around the park, but it does not connect to each amenity. (picnic tables, fishing piers, park benches, baseball, softball, disc golf, tennis, basketball, soccer, horseshoe, splash pads, skate parks, etc.)
Clear Floor Space	Obstructed clear floor space
Counter heights	No accessible counter heights (reception counters, utilities counters, concession stands, ticket booths, pool admittance, etc.)
Grab Bars	No grab bars
Interior Doors	Maneuvering clearance - area in front of the door slopes over 4% in any direction
Interior Doors	Door is too heavy, over 20 lbs.
Interior Doors	Maneuvering clearance - does not have 18" on pull side (less than 16" on pull side)
Interior Doors	Mat at doors is not secured, loose, or slippery
Knee Clearance	Not compliant, Below 26"
Lavatory	Lavatory is more than 35.5", Lavatory CL is less than 14"
Lavatory/sink	No knee clearance when required
Parking	Accessible parking is not on the shortest route to accessible entrance
Parking	Non-compliant parking (structural solution - demolish and regrade)
Protrusion	Into path of travel over 9" or below 70"
Restrooms	No accessible toilets

Seating/Picnic Tables	Seating provided, but none accessible
Showers	No accessible showers/benches/changing areas
Sloping floors	Floor slopes over 4% in any direction
Stall doors	Door located in front of water closet
Toilet Stalls	No ambulatory stall provided
Transaction counter	For public use, above 38"
Urinal	Mounted above 20"
Mirrors	Mounted too high, above 44"
Visual Strobe	Audible alarm system with no visual strobes
Level 5	
Accessible Route	Non-compliant public areas (coffee bars, break rooms, conference rooms, smoking areas, etc.)
Door	Knob hardware
Doors	Non-compliant interior door clearances (16" to 17 7/8" on pull side)
Doors	Maneuvering clearance - Area in front of the door slopes between 2.1% and 3.9% in any direction
Lavatory/sink	Lavatory/sink pipes are not wrapped or protected, lavatory/sink is 34.1" to 35.5", Lavatory CL is 14" to 14.9"
Locker Rooms	No accessible bench provided
Parking	Non-compliant parking (non- structural solution - restriping, etc.)
Play ground	Non-compliant playground surface
Play ground	Non-compliant playground equipment
Restroom	Non-compliant restroom amenities (water closet, urinal, lavatory)
Sloping floors	Floor slopes between 2.1% and 3.9% in any direction
Water Closet	Flush control is on the wrong side
Level 6	
Dispenser	Non-compliant dispensers (above 54" paper towel, coat hook, etc.)
Doors	Accessible toilet stall is not self-closing
Doors	Vision panel is 46" or above
Doors	Accessible toilet stall does not have handles on both sides of door
Doors	Doors close too quickly
Grab Bars	Non-compliant grab bars
Showers	Non-compliant showers/benches/changing areas
Signage	Non-compliant signage
Knee Clearance	Not compliant, between 26" and 27"
Storage	No accessible cabinets

Level 7	
Accessible Route	Accessible route with moderate access issues (level changes that can be ground down or fitted with device)
Baby Changing	If mounted over 36" in height
Seating	Accessible seating not integrated or on sloped area
Transaction counter	For employee use, above 34"
Urinal	Mounted between 18" - 19.9"
Level 8	
Coat Hook	Coat hooks are mounted above 48"
Drinking Fountain	Non-compliant drinking fountains
Grab Bars	Over 37"
Protrusion	Into path of travel 6.1" to 9" or between 70.1" and 80"
Mirrors	Mounted too high, between 40.5" and 44"
WC Seat Height	20" or above
Level 9	
Baby Changing	If mounted 34.1" to 35.9"
Dispenser	Non-compliant dispensers (Between 48 - 54" paper towel, coat hook, etc.)
Parking	Non-compliant parking (striping, signage)
Storage	Not enough accessible cabinets
Level 10	
Accessible Route	Minor level changes, gaps or cracks in accessible route
Doors	Vision panel is 1/2" to 3" too high
Lavatory/sink	Knee clearance minimally off. Any dimension for knee clearance less than 1".
Urinal	Mounted over 17" but less than 18"
Visual Strobe	No visual strobe provided in employee area
Fire Extinguishers and defibrillators	Relocate items outside of the circulation path, recess, or place a permanent barrier below.
WC Seat Height	Over 19" less than 20"
Level 11	
Coat Hook	Coat hook is not in accessible stall, but is in other stalls
Grab Bars	Up to 37", or 1" over compliance
Protrusions	Into path of travel 4.1" to 6"
Level 12	
Any Element	Covered under 'safe harbor' but not compliant because the room was not fully compliant with old standard
Any Element	Within a reasonable tolerance, but not compliant

The Rest Stops and Welcome Centers are the highest priority facilities for the Department to alter, since they are the most heavily trafficked areas by the public. TDOT also has a significant number of buildings that were built since the ADA went into effect and, therefore, should be fully compliant. Those buildings are:

REGION 1:

Welcome Center #30	Campbell
Welcome Center #31	Sullivan
Welcome Center #33	Unicoi
Administration Building A	R1 HDQ Complex
Field Office Building C	R1 HDQ Complex
Garage Building E	R1 HDQ Complex
Transportation Management Center (TMC)	R1 HDQ Complex
District 17 District Office Building	Johnson City
District 17 District Office Building	Morristown
District 18 District Office Building	Newport
District 19 District Office Building	Harriman
District 19 District Office Building	LaFollette
District 18 Field Office Building	Newport
District 19 Field Office Building	LaFollette
District 19 Field Office Building	Harriman

REGION 2:

Welcome Center #29	Hamilton
Rest Area #14	McMinn
Rest Area #15	McMinn
Transportation Management Center (TMC)	Hamilton
District 27 District Office Building	Cookeville
District 27 District Office Building	Crossville
District 28 District Office Building	Dunlap
District 28 District Office Building	Tullahoma

REGION 3:

Transportation Management Center (TMC)	R3 HDQ Complex
District 37 District Office Building	Gallatin
District 38 District Office Building	Clarksville
District 38 District Office Building	McEwen
District 39 District Office Building	Belfast
District 39 District Office Building	Lawrenceburg

REGION 4:

Rest Area #4	Madison
Rest Area #5	Madison
Const. Field Office Building C	R4 HDQ Complex
District 49 Office	R4 HDQ Complex
Field Office Building C	R4 HDQ Complex
Garage Building E	R4 HDQ Complex
Transportation Management Center (TMC)	R4 HDQ Complex
District 47 District Office building	McKenzie
District 47 District Office building	Newbern

MISCELLANEOUS:

TDOT Aeronautics Building	Davidson (renovated in 2001)
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2.4 Public Rights-of-Way Review

TDOT has limited responsibility or authority over streets, roads or walkways; however, it is TDOT's goal that cities provide curb ramps or other sloped areas where pedestrian walk to allow persons with disabilities to cross curbs. All local projects on state ROW or funded with state or federal funds are reviewed to ensure TDOT accessibility standards are used, as required under Tennessee Code Annotated (TCA) 7-31-114(c).

7-31-114. Installation of ramps at crosswalks.

(a) Every incorporated city and town shall install ramps at crosswalks, in both business and residential areas, when making new installations of sidewalks, curbs or gutters, or improving or replacing existing sidewalks, curbs or gutters, so as to make the transition from street to sidewalk easily negotiable for persons with disabilities in wheelchairs and for other persons who may have difficulty in making the required step up or down from curb level to street level.

(b) "Ramps," as used in this section, means a sloping asphalt or concrete surface, from the level of the sidewalk or curb to the level of the street at curbside, extending outward and downward from the curb to the street for such a distance, at such an angle, and at such a width as will facilitate the movement up and down such ramps of persons in wheelchairs or persons who have difficulty in stepping up or down between curb level and street level.

(c) All such ramps shall be constructed or installed in accordance with design specifications for the ramps prepared by the department of transportation. The department shall make available to such municipalities design standards for such ramps.

HISTORY: Acts 1974, ch. 544, §§ 1, 2; T.C.A., § 6-1014; Acts 2011, ch. 47, § 4.

Although TDOT only maintains curb face to curb face under TCA 54-5-202, TDOT's policy since 2007 has been to install or replace curb ramps during roadway resurfacing projects. Furthermore, any public request for curb ramps is addressed quickly and in accordance with TDOT's Grievance Policy.

54-5-202. Width and character of highways in municipalities. – The streets so constructed, reconstructed, improved and maintained by the state shall be of such width and type as the department may

think proper, but the width so constructed, reconstructed, improved and maintained shall not be less than eighteen feet (18); and, in the case of resurfacing and maintenance, from curb to curb where curbs exist, or the full width of the roadway where no curbs exist. [Acts 1929, ch. 42, § 2; Code 1932, § 3243; Acts 1947, ch. 123, § 2; C. Supp. 1950, § 3243; *impl. am.* Acts 1959, ch. 9, § 3; T.C.A. (orig. ed.), § 54-532; Acts 1981, ch. 264, § 12.]

Cited: McDonald v. Scott County, 169 Tenn. 374, 87 S.W.2d 1019 (1935).

54-5-203. Maintenance by municipality – Reimbursement. – Where a municipality is organized for the care of its own streets, the construction, reconstruction, improvement and maintenance may be done by the municipality, which shall be reimbursed by the state; provided, that all expenditures shall be subject to the approval of the department. [Acts 1929, ch. 42, § 3; Code 1932, § 3244; Acts 1947, ch. 123, § 3; C. Supp. 1950, § 3244; *impl. am.* Acts 1959, ch. 9, § 3; *impl. am.* Acts 1972, ch. 829, § 7; T.C.A. (orig. ed.), § 54-533; Acts 1981, ch. 264, § 12.]

Cited: McDonald v. Scott County, 169 Tenn. 374, 87 S.W.2d 1019 (1935).

54-5-204. Maintenance of highway by state. – Where a municipality is not organized to care for its own streets and roads, the construction or maintenance shall be done by the state, either by contract or state forces. [Acts 1929, ch. 42, § 4; Code 1932, § 3245; Acts 1947, ch. 123, § 4; C. Supp. 1950, § 3245; T.C.A. (org. ed.), § 54-534.]

Self-Evaluation Findings

TDOT has developed a set of standard construction drawings for use by cities, and TDOT works with cities and counties to address non-compliant curb cuts as part of their construction projects. TDOT has adopted PROWAG and the TDOT Standard Drawings are consistent with the requirements in PROWAG. A copy of the Public Right of Way Standards Memo indicating TDOT's adoption of PROWAG is provided in **Appendix B-6**.

In 2017, TDOT completed a curb ramp and sidewalk inventory in Madison County to identify existing curb ramps and sidewalk within TDOT rights-of-way and to identify locations where curb ramps are required but are not installed. In 2018, TDOT expanded the curb ramp and sidewalk inventory to include the remainder of the TDOT right-of-way.

TDOT will evaluate all pedestrian facilities within TDOT right-of-way as part of a future Self-Evaluation phase.

Recommendations

TDOT will also consider developing a field inspection checklist for use by TDOT inspectors. A copy of a Field Inspection Checklist is provided in the *TDOT Best Management Practice for ADA Transition Plans within the Department of Transportation* (dated May 23, 2016).

A copy of the TDOT PROWAG adoption memo will be posted on the TDOT ADA website (<https://www.tn.gov/tdot/government/g/public-accessibility-office/ada/ada-policies.html>) for reference.

Completed Actions

A TDOT Access Due-Diligence Checklist for the Public Rights-of-Way was developed (see **Appendix B-7**).

2.5 State Highway System Review

In February 2019, TDOT staff began developing an inventory of existing curb ramps. Field work was completed in June 2019, and a GIS database was developed to identify the total number of curb ramps, missing curb ramps, and whether the existing curb ramps are in conformance with the current design standards. The following is a summary of the Department's curb ramp inventory:

- Curb ramps identified along the State highway system: approximately 30,000
- Curb ramps which appear to be consistent with one of TDOT's Standard Drawings (MM-CR-2 through MM-CR-8): approximately 25,500
- Curb ramps which appear to NOT be consistent with one of TDOT's Standard Drawings (MM-CR-2 through MM-CR-8): approximately 1,600
- Locations where a curb ramp is missing: approximately 3,100

2.5.1 State Highway System Improvement Prioritization

Priority will be given to missing curb ramps since these locations create physical "barriers" along State highways. The Department will dispatch inspectors from each District office to complete a detailed survey of each missing or deficient ramp to finalize the inventory of barriers.

2.5.2 State Highway System Completed Actions

Since 2007, all deficient or missing curb ramps have been identified and brought in to compliance during resurfacing projects. This effort will continue in conjunction with TDOT's 12-Year Roadway Resurfacing program. The Transition Plan document will be revised to include the inventory of existing curb ramp barriers and any barriers eliminated as part of the 12-Year Roadway Resurfacing program.

The following is a list of actions completed in support of TDOT's accessibility improvement program:

- Completed an initial curb ramp inventory along the State highway system;
- Updated Resurfacing P&SE form to identify accessibility deficiencies;
- Developed curb ramp evaluation field inspection forms to compliment the current PS&E forms;
- Revised Standard Operating Guidelines for Resurfacing Program to include the rehabilitation of existing curb ramps and/or installation of new curb ramps as part of roadway resurfacing projects;
- Revised the Department's Roadway Design Standards;
- Revised the current CADD Standards to be consistent with PROWAG and include a new tabulated quantity cell for curb ramp type, location and quantity;
- Develop new construction plan note to provide guidance on how to address extreme site difficulties during construction; and
- Revised the Department's Roadway Design Guidelines to include a new Multimodal Project Scoping Manual and Design Chapter providing new guidance regarding ADA and accessibility for all roadway design projects.

3.0 Public Involvement Process

3.1 Disability Organization Phone Interviews

Per the American's with Disabilities Act (ADA) Title II Regulations, TDOT will evaluate its current programs and services to ensure they are accessible to persons with disabilities. Any barriers identified as part of this evaluation should be documented in the Department's ADA Transition Plan. This document will include timelines for removing the barriers.

The Consultant conducted telephone interviews with eight (8) disability rights organizations across the State. The organizations are located in Memphis, Nashville, and Knoxville but service clients across a wide spectrum of the State. Disability Organization contact information is provided in **Appendix C-1**.

The following questions were asked of each agency:

- 1) Does your agency have multiple offices around the state?
- 2) If so, what are the locations of other offices?
- 3) Does your agency have a membership base?
- 4) Are members all over the state of Tennessee or regionally located?
- 5) How many members do you have?
- 6) If we had an opportunity for your members to participate in public meetings or Advisory Boards, would you be willing to disseminate our information?
- 7) How do you generally communicate to your groups?
- 8) Do you have a newsletter, blog post or website where members/constituents can get updated information?
- 9) If so, could we periodically post articles about job fairs or other activities we think would be interesting to your participants?
- 10) Where do you see the most interaction between your constituents and the Tennessee Department of Transportation (TDOT)?
- 11) Are you aware of any concerns your constituents have about accessibility to TDOT owned or operated facilities?
- 12) What is the number one complaint you hear about transportation related issues from your constituents?
- 13) Do you have any suggestions you would like to see TDOT implement?

- 14) Would your organization like to have a link on TDOT's website for people seeking information for people with disabilities in Tennessee?

3.1.1 Summary of Responses

Detailed disability organization interview responses are provided in the *TDOT Disability Organization Interviews Summary Report*.

3.1.2 Conclusions and Recommendations

Detailed recommendations are provided in the *TDOT Disability Organization Interviews Summary Report*. A summary of recommendations includes:

- TDOT should meet with sub-recipients and the public transportation entities regarding their ADA obligations and the survey results.
- All TDOT employees should attend recurring ADA training. The training should include maintenance guidance and compliance requirements for all accessible features.
- TDOT should create and/or revise policies and procedures to incorporate the responses in this survey, including: employee training; debris and/or snow and ice removal from sidewalk; crosswalks and curb ramps; Sub-Recipient Monitoring; and maintenance and installation of accessible features.
- TDOT should include all valid concerns from the survey in the TDOT Transition Plan related to TDOT facilities, including pedestrian facilities within the public rights-of way. For prioritized elements, implementation priority should be revised to account for the public requests in this survey.

3.2 Disability Organization Online Surveys

The Consultant also conducted an online survey with members of a select number of Tennessee Disability Rights Originations. The survey was web based and a link was provided to organizations who agreed to disseminate to their constituents. The survey questions were as follows:

- 1) Are you a resident of Tennessee?
- 2) Describe your location?
- 3) There is no requirement that you disclose your disability with TDOT. However, if you would like to volunteer information in the comment box below you may. If you assist persons with disabilities, feel free to provide any details you feel would be beneficial.
- 4) Which Tennessee region do you spend the majority of your travel time?
- 5) Where do you have the most interaction with the Tennessee Department of Transportation? (example: highway, bus, public transit, rail, pedestrian, etc.)
- 6) Do you have any concerns with TDOT owned or operated facilities?
- 7) What is the number one complaint you (or those you assist) have regarding transportation services within the state of Tennessee?

- 8) Do you have any suggestions that you would like to see TDOT implement to better serve people with disabilities?
- 9) Contact information (not required)

3.2.1 Summary of Responses

Ninety-six (96) members of the disability community participated in the online survey. Detailed responses are provided in the *TDOT Individuals with Disabilities Survey Summary Report*.

3.2.2 Conclusions and Recommendations

Detailed recommendations are provided in the *TDOT Individuals with Disabilities Survey Summary Report*. A summary of recommendations includes:

- TDOT should meet with sub-recipients and the public transportation entities regarding their ADA obligations and the survey results.
- All TDOT employees should attend recurring ADA training. The training should include maintenance guidance and compliance requirements for all accessible features.
- TDOT should create and/or revise policies and procedures to incorporate the responses in this survey, including: employee training; debris and/or snow and ice removal from sidewalk; crosswalks and curb ramps; sub-recipient monitoring; and maintenance and installation of accessible features.
- TDOT should include all valid concerns from the survey in the TDOT Transition Plan related to TDOT facilities, including pedestrian facilities within the public rights-of way. For prioritized elements, implementation priority should be revised to account for the public requests in this survey.

3.3 Tri-fold Pamphlets

A tri-fold pamphlet was developed for public distribution to communicate TDOT's Title II Discrimination Policy, basic requirements of ADA Compliance, steps to ADA compliance, TDOT's ADA Coordinator contact information, and web resources. Additional tri-fold pamphlets are being developed.

A copy of the pamphlet is provided in [Appendix C-2](#).

3.4 Disability Etiquette Document

A disability etiquette document was developed as a quick-reference guide when interacting with persons with disabilities. This document also includes TDOT's ADA Coordinator contact information.

A copy of the document is provided in [Appendix C-3](#).

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4.0 Sub-Recipient Monitoring

As a direct recipient of federal funds, TDOT is obligated to monitor its sub-recipients across the State of Tennessee. The following sections detail TDOT's current sub-recipient monitoring efforts.

4.1 Local Agency Assistance Interviews

The Consultant Team conducted telephone interviews with the four (4) major Metropolitan areas (Memphis, Nashville, Chattanooga and Knoxville); the seven (7) minor Metropolitan areas (Clarksville, Murfreesboro, Bristol, Kingsport, Johnson City, Morristown and Cleveland), and with cities located outside of the MPO's areas with a population of 5,000 or greater to determine the status of their ADA Self-Evaluation and their Transition Plan document. The following questions were asked of each agency:

- a) Does the City have a Transition Plan?
- b) If yes, has the City provided a copy of the Plan to TDOT?
- c) When was the Transition Plan developed?
- d) When was the Transition Plan updated?
- e) What is the status of the City's action plan to implement improvements?
- f) Does the City have an implementation program?
- g) If so, what is the City's timeline?
- h) Has the City identified an ADA/504 Coordinator?
- i) Name, address, telephone number, email address for the identified ADA/504 Coordinator for the agency.
- j) What special training has the ADA/504 Coordinator received?
- k) Has the City developed an advisory board or committee made up of local disability groups or individuals?
- l) If not, how is the City including the local disability community?

The following is a summary of the telephone interview responses.

4.1.1 Summary of Responses

Of the 61 agencies contacted, only 38 agencies provided responses. Most agencies do not have ADA Transition Plans and even fewer have an implementation plan. Most of the Transition Plans were originally developed in the 1990s, but only half of these have ever been updated. Of those that have been updated, three (3) were completed within the past three (3) years and one (1) was completed in 1997. For those agencies with implementation plans, they ranged from five (5) to 20 years to remove all identified barriers.

Over 90% of the agencies that provided responses have ADA Coordinators. The name, address, telephone number, and email address for the identified ADA/504 Coordinators is provided in **Appendix D-1**. Some of the ADA Coordinators have received training including general ADA training, Title II ADA Coordinator training, Title VI training, and online TDOT training, but most the ADA Coordinators have not received any formal training.

Only five (5) agencies have developed an advisory board or committee made up of local disability groups or individuals. For those that have not developed an advisory board or committee, they rely on public

meetings/hearings to obtain feedback from the local disability organizations or simply respond to issues as they arise through a compliant process. A few of the agencies mentioned that they were considering developing an advisory board or committee in the future.

A summary of select responses is provided in **Table 4** and detailed responses for each agency are provided in **Appendix D-2**.

Table 4. Summary of Responses

Agency Type	# Contacted	# Responses Received	# w/ ADA Transition Plan	# w/ Implementation Plan	# w/ ADA Coordinator
Major Metro Areas	4	1	1	1	2
Minor Metro Areas	7	4	2	2	7
Small Cities	50	33	6	3	27
Total	61	38	9	6	36
Percentage of Responses Received	---	62.3% (38/61)	23.7% (9/38)	15.8% (6/38)	94.7% (36/38)

4.1.2 Conclusions and Recommendations

The majority of TDOT's sub-recipients have not completed their requirements as Title II agencies under the ADA. TDOT will follow up with those agencies who have not provided responses so that overall compliance with the requirements can be better understood and documented. All of the respondents with an ADA Transition Plan have provided a copy to TDOT except for Chattanooga, Knoxville, Murfreesboro, and Savannah. TDOT will follow-up with these cities to obtain a copy of their Transition Plans. The City of Pulaski indicated that they have a Transition Plan, but that they do not have a copy available.

The Department will continue to monitor and update the documented status of each sub-recipient. Training for all sub-recipients would ensure each agency is aware of their obligations under the ADA.

4.2 TDOT Municipality Training

TDOT conducted four (4), full-day training sessions in each TDOT Region to provide municipalities an overview of the requirements to be compliant with the ADA. A total of 136 attendees were present.

Table 5. TDOT Municipality Training

Date	Location/Region	Attendance
Tuesday, 7/19/16	Region 4	25
Thursday, 7/21/16	Region 3	41
Tuesday, 7/26/16	Region 1	46
Thursday, 7/28/16	Region 2	24

The following topics were covered during each training:

ADA Legal Background

This section covered legal cases that have challenged municipalities and provided a precedence for compliance. Attendees gained an understanding of Federal agency involvement, including their commitment to enforcing the ADA, and how Federal agency involvement affects public agencies throughout the State.

ADA Overview

This section provided an overview of the ADA and why is it necessary? The Consultant Team provided a clear understanding that the ADA is a civil rights law, the ADA standards and history, and how these laws are compiled.

Transition Plan Development

The ADA requires that Title II entities (state and local governments) have an organized approach to access, through each policy for all departments. This section helped each attendee understand their individual roles for developing a comprehensive Transition Plan for their agency.

Proposed Accessibility Guidelines for Pedestrian Facilities in The Public Right-Of-Way (PROWAG) Overview

PROWAG is a stand-alone document. It is in the rule making process and addresses various public rights-of-way issues, including access for blind pedestrians at street crossings, wheelchair access to on-street parking, and various constraints posed by space limitations, roadway design practices, slope, and terrain.

PROWAG Technical Requirements

This training explained the technical requirements for pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way will be reviewed. Trainers also discussed the reasoning behind these requirements.

Data Collection

This section covered the following: what facilities to evaluate, how to prioritize facilities for evaluation, and how to evaluate each facility, including recommendations to remove barriers and cost projections.

4.3 Assurances

As a recipient of federal funding, TDOT is required to provide a written assurance, as well as acquire assurances from their sub-recipients, stating that as a federal recipient, all programs, services, and activities will be conducted in compliance with all requirements (per 49 CFR Part 27.9):

Each application for Federal financial assistance to which this part applies, and each application to provide a facility, shall, as a condition to approval or extension of any Federal financial assistance pursuant to the application, contain, or be accompanied by, written assurance that the program or activity will be conducted or the facility operated in compliance with all the requirements imposed by or pursuant to this part. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

Assurances from sub-recipients can be obtained by an annual submittal from the sub-recipient or may be obtained through the contracting process.

Self-Evaluation Findings

The “Tennessee Department of Transportation ADA Compliance Assessment Form” is available on TDOT’s website (<http://www.tn.gov/assets/entities/tdot/attachments/FundingADACompliance.pdf>) and requests necessary information from TDOT’s sub-recipients, including a statement of assurance. However, no internal procedure or instructions on when and how this form is used were provided. A copy of the TDOT ADA Compliance Assessment Form is provided in **Appendix D-3**.

In addition, there was no specific information found, such as memos and/or checklists of requirements, that provided evidence of a good faith effort to educate TDOT’s sub-recipients of the requirements in 49 CFR Part 27.9.

TDOT’s License Agreement, which is used when municipalities want to make improvements within TDOT ROW, includes a paragraph for ADA Assurances:

AMERICANS WITH DISABILITIES ACT ASSURANCES – *The Licensee for itself, its successors in interest and assigns, as part of the consideration hereof does hereby covenant and agree that in the event facilities are constructed, maintained, or otherwise operated on the property described in this License Agreement for a purpose for which the State or a State program or activity is extended or for another purpose involving the provision of similar services or benefits, the Licensee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 28, Code of Federal Regulations, Parts 35 and 36, Nondiscrimination on the Basis of Disability in State and Local Government Services and Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, and as said regulations shall be amended. The Licensee further agrees that if any pedestrian facilities are constructed, maintained, or operated on the property described in this License, the Licensee shall construct, maintain, and operate such facilities in compliance with the Architectural and Transportation Barriers Compliance Board’s “Accessibility Guidelines for Pedestrian Facilities in Public Rights-of-Way” (proposed 36 CFR Part 1190; published in the Federal Register, July 26, 2011).*

Recommendations

TDOT will develop a procedure and instructions for using the “Tennessee Department of Transportation ADA Compliance Assessment Form”.

TDOT will develop a summary and/or checklist of requirements each sub-recipient is obligated to meet. This information may also include the *DOJ/FHWA Joint Technical Assistance on the Title II of the American with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing*.

4.4 Statewide Action Plan

In September 2016, the Tennessee Division of Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) required that conformance with the ADA and Section 504 was required by December 1, 2016, which included the following:

- All affected Local Public Agencies (LPAs) (those with 50 or more employees) shall identify and ADA Coordinator; and
- TDOT will develop a Statewide Action Plan that defines when each LPA will complete their Self-Evaluation and individual ADA Transition Plan.

FHWA and FTA also required that the State and affected LPAs' ADA Transition Plan be completed prior to federal approval of the Fiscal Year 2020-2023 Statewide Transportation Improvement Program (STIP) and the 2020 Statewide Planning Funding in December 2019.

In addition to the efforts mentioned throughout **Section 4.0 Sub-Recipient Monitoring**, TDOT also distributed a letter in November 2016 to all LPAs that reiterated the LPAs' responsibilities and provided a schedule for completion:

December 2016

- Communities with 50 employees or more in their jurisdiction must provide TDOT with documentation stating they have named a qualified person as their ADA Coordinator
- Communities must provide TDOT the Coordinator's contact information
- Communities must develop and publish an ADA grievance procedure

December 2017

- Communities must provide a written letter from the Mayor outlining the development of their Transition Plan
- Letter from the Mayor must be adopted by the City Council or County Commissioners using the city's or county's own procedures

September 2018

- Communities must provide documentation showing they have completed or are making significant progress towards completing an ADA Transition Plan and Self Evaluation
- All self-certification forms are expected to be returned to TDOT.
Note: Projects may not be advanced within the city or county without this self-certification form

December 2019

- FHWA will require all Transition Plans be completed prior to communities resigning TIP certification

TDOT has been tracking responses provided by each LPA. At the end of 2016, TDOT also required all cities and counties applying for funding to complete and submit a TDOT Local Agency ADA Compliance Certification. A sample of the letter sent to sub-recipients as well as a copy of the TDOT Local Agency ADA Compliance Certification are provided in **Appendix D-4** and **Appendix D-5**, respectively.

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5.0 Transition Plan

The Transition Plan combines the findings of the programs, policies, and procedures review and facility review. Specific program, policy, and procedure recommendations can be found in **Section 2.0**. The specific infrastructure modifications required to make programs accessible are provided in detailed facility reports. Each facility report contains a complete list of architectural barriers and barrier removal actions.

5.1 Designation of Responsible Officials

5.1.1 ADA Coordinator

A public entity is required to designate at least one responsible employee to coordinate its efforts to comply with ADA, implement this plan and handle any grievances or concerns. TDOT's ADA / Section 504 Coordinator, Margaret Zeman Mahler, may be contacted via the following information:

Margaret Zeman Mahler
ADA / Section 504 Coordinator
Tennessee Department of Transportation
12th floor, James K. Polk Building
505 Deaderick St.
Nashville, TN 37243
Phone: 615.741.4984
Tennessee Relay: 7-1-1
TDOT.ADA@tn.gov

TDOT is not required by the ADA to modify a policy, program, service, or activity if the change would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden. The ADA Coordinator will document the TDOT's response to grievances and requests for accommodation, including the resources considered and the methodology used to determine how the accommodation or modification would impact programs or resources.

5.1.2 TDOT ADA Impact Committee

The Tennessee Department of Transportation has become increasingly proactive in ensuring ADA/504 public accessibility compliance is incorporated into the way the TDOT conducts business. TDOT is undertaking many initiatives at the strategic, policy and implementation levels to ensure TDOT is fully compliant with ADA/504 and playing a key role in achieving full accessibility for all those who live, work and travel in the State of Tennessee. To effectively evaluate the impact of these initiatives, and the impact of ADA/504 on TDOT, an Impact Committee was formed to meet as needed and address any issues. This Committee also ensures TDOT has a system for periodically reviewing and updating compliance measures. Impact Committee members include:

- Design Division ADA Office – Margaret Zeman Mahler (Committee Chair)
- Deputy Commissioner / Chief Engineer – Paul D. Degges
- Deputy Commissioner / Bureau Chief of Environment and Planning – Toks Omishakin
- Assistant Chief Engineer of Operations – Will Reid
- Assistant Chief Engineer of Design – Jeff Jones
- Design Division – Ali Hangul
- TDOT Legal Office – John Reinbold
- Multi Modal Transportation Resources Division – Susan Carlson

- Assistant Bureau Chief, Community Relations Director – B J Doughty
- Program Development and Administration, Local Programs Office – Neil Hansen
- Maintenance Division – Mark Woods

5.1.3 ADA Transition Plan Implementation Official

Per 28 CFR 35.150(d)(3)(iv), TDOT has identified an official responsible for implementation of the ADA Transition Plan. The responsible party is the current Transportation Commissioner:

Clay Bright
Commissioner, Transportation
505 Deaderick Street, Suite 700
Nashville, TN 37243
Phone: 615.741.2848
TDOT.Comments@tn.gov

5.2 Implementation Schedule

5.2.1 Facility Improvements

Table 6 details the barrier removal costs and proposed implementation schedule by region for all facilities evaluated during this project. This 10-year plan will serve as the implementation schedule for the Transition Plan. TDOT reserves the right to change the barrier removal priorities on an ongoing basis to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, and changes in TDOT programs.

Table 6. Implementation Schedule

Region	Estimated Cost	Implementation Schedule (years)	Approximate Annual Budget
1	\$1,125,573	10	\$112,558
2	\$1,067,131	10	\$106,714
3	\$956,505	10	\$95,651
4	\$835,390	10	\$83,539
HQ	\$231,570	10	\$23,157
Total	\$4,216,169		
Total Annual Budget			\$421,619

5.2.1 State Highway System Improvements

Over the next 12 years, curb ramps along state roadways will be brought into compliance during roadway resurfacing projects. This 12-year implementation timeframe coincides with TDOT 12-year roadway resurfacing program. Resurfacing projects are selected by Department district and regional staff based on pavement age and condition.

The responsibility to installing new or maintaining existing facilities within TDOT right-of-way is the responsibility of the local governments in urban zones. TDOT has been providing surface transportation funds to local governments to assist with accessibility improvements and coordinate with these agencies during future projects to address compliance issues within the scope of the projects as part of their ADA Transition Plan.

5.3 Funding

TDOT intends to continue funding ADA improvements as part of annual maintenance and construction work programs. In 2004, TDOT inventoried all facilities and any barriers to access were corrected. Since 2004, accessibility elements are included in all new construction plans to ensure full compliance with the ADA. TDOT is committed to funding the proposed 10-year implementation schedule identified in Table 6.

5.4 Monitoring and Reporting Progress

TDOT intends to use the Transition Plan for yearly planning of projects and funding decisions. The ADA Coordinator will continue to be responsible for ensuring that the design and construction of TDOT's transportation system projects are in compliance with ADA standards. In 2018, TDOT will develop policies and procedures associated with monitoring and reporting progress, which may include updating the implementation status of identified deficiencies, updating the existing conditions to account for changes in the field, and documenting new areas of non-compliance.

The TDOT ADA Transition Plan is a "living document" that will be reviewed annually for compliance and validity.

5.5 TDOT Training Presentation

A presentation was created to summarize how and why TDOT developed their ADA Transition Plan, which the ADA Coordinator can use as an educational and training tool. The presentation includes the following:

- Applicable laws and requirements;
- An overview the Transition Plan development process;
- Facilities included in the Self-Evaluation;
- Example recommendations for barrier removal;
- Prioritization considerations and funding options for improvements;
- Proposed schedule for improvements; and
- Next steps in finalizing TDOT's ADA Transition Plan.

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Appendices

Appendix A: Programs, Policies, and Procedures Review

- A-1: TDOT Departmental Questionnaire Responses
- A-2: TDOT Disability Discrimination Policy and Complaint Form
- A-3: TDOT Title II Grievance Procedure
- A-4: Example Grievance Procedure Flowchart
- A-5: TDOT Title II Grievance Form
- A-6: TDOT ADA Notice to the Public
- A-7: TDOT ADA Title II Disability Discrimination Policy Document
- A-8: TDOT ADA Title II Disability Discrimination Policy Poster
- A-9: TDOT Standard Drawings Review Redlines
- A-10: TDOT Communication Policy and Statement
- A-11: TDOT Reasonable Accommodations Procedure
- A-12: TDOT Reasonable Accommodations Form
- A-13: TDOT Adopt-A-Highway Volunteer Application Form
- A-14: TDOT Adopt-A-Highway Volunteer Group Orientation Packet
- A-15: TDOT Access Due-Diligence Checklist: Buildings
- A-16: TDOT Appeals Procedure for Title II/504
- A-17: TDOT Appeals Procedure for Section 508
- A-18: TDOT Instructional Bulletin No. 16-06

Appendices (cont.)

Appendix B: Facility Review

- B-1: TDOT Region 1 Facility Summary Reports
- B-2: TDOT Region 2 Facility Summary Reports
- B-3: TDOT Region 3 Facility Summary Reports
- B-4: TDOT Region 4 Facility Summary Reports
- B-5: James K. Polk Headquarters Facility Summary Report
- B-6: TDOT Public Right of Way Standards Memo
- B-7: TDOT Access Due-Diligence Checklist: Public Rights-of-Way

Appendix C: Public Involvement Process

- C-1: Disability Organization Contact Information
- C-2: TDOT Tri-fold Pamphlet
- C-3: TDOT Disability Etiquette Document

Appendix D: Sub-Recipient Monitoring

- D-1: Local Agency ADA Coordinator Contact Information
- D-2: Local Agency Interview Responses
- D-3: TDOT ADA Compliance Assessment Form
- D-4: TDOT Sample Letter to Sub-Recipients
- D-5: TDOT Local Agency ADA Compliance Certification