

DeIDOT Road to ADA Compliance

Better Late than Never

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ADA Legislative/Legal History

- **1964 - Civil Rights Act**
- 1968 – Architectural Barriers Act
- 1973 – Rehabilitation Act
- **1990 – Americans with Disabilities Act (ADA)**
- **1993 - Kinney v. Yerusalim**
- **2004 – DelDOT Voluntary Settlement Agreement**
<http://www.ada.gov/deldot.htm>
- **2011 – FHWA Civil Rights Review of DelDOT**
 - **DelDOT to develop ADA Self-Evaluation and Transition Plan**
 - **DelDOT to designate an ADA Coordinator**
 - **Alternative: Lose Federal Funding**

What is the ADA?

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

- Title I - Employment
- **Title II - State and local government services**
- Title III - Public accommodations
- Title IV - Telecommunications
- Title V - Miscellaneous Provisions

ADA Title II & DeIDOT

Where the Rubber Meets the Road

- Title II of ADA provides that, “...**no qualified individual with a disability shall**, by reason of such disability, **be excluded** from participation in or be denied the benefits of the **services, programs, or activities** of a public entity, or be subjected to discrimination by any such entity” ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#))
- A public entity may not deny the benefits of its **programs, activities, and services** to individuals with disabilities because its facilities are inaccessible. In other words, a public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "**program accessibility**," applies to all existing facilities of a public entity. Facilities include not only **DeIDOT buildings** but also facilities used to conduct **public workshops**, as well as **buses, bus stops, sidewalks**, etc.

One of My Most Important Roles as DeIDOT ADA Title II Coordinator

- Help provide clarity to what design and construction personnel are required to do with regards to ADA Compliance

Current Major Projects

- Creating *DelDOT Accessibility Policy and Guidelines for Pedestrian Facilities* (DeIDAG)
- ADA Inspections at semi-final inspection
- PACT = Pedestrian/ADA Compliance Toolkit

What happens to DelDOT when we do not comply?

- DelDOT gets sued on the grounds of discrimination
- DelDOT loses Federal Funding

The Impact of Compliance

Your friends, family members have *equal* access to community activities



The Impact of Compliance

People of all ages have equal access to the services that will allow them to go anywhere in life.



The Impact of Compliance

Individuals are Self-Reliant



The Impact of Compliance

The privilege of having *equal* access to contribute



The Impact of Noncompliance

I don't want to tell this man that it's too challenging to meet ADA Compliance.



Universal



CLEARING A PATH
FOR PEOPLE WITH SPECIAL NEEDS
CLEARS THE PATH FOR EVERYONE!

Thank you for the QUALITY of work that you do!

I wouldn't be here without you.