

September 5, 2024

Dear Local Agency Partners,

Purpose

The Washington State Department of Transportation (WSDOT) remains committed to providing equitable access to Washington's multimodal transportation system, which includes users with disabilities. The purpose of this letter is to notify **all local agencies with more than fifty full-time employees and who receive federal funds from WSDOT must provide copies of their transition plan by January 1, 2025.**

Background

As a State Transportation Agency (STA), WSDOT has the responsibility to monitor sub-recipients of federal assistance to ensure their compliance with Title II of the ADA and Sec. 504. This includes STA-funded (both federal and state dollars) projects and programs that the sub-recipients implement.

Under the ADA and its implementing regulations {28 CFR § 35.130(b)(1)(v)}, the state cannot aid or perpetuate discrimination against an individual with a disability by providing significant assistance to an entity that discriminates in providing any aid, benefit, or service to beneficiaries. Similarly, Section 504 of the Rehabilitation Act (Section 504) and its implementing regulations (49 CFR § 27.7 (b)(v)) provides that a recipient of Federal Highway Administration (FHWA) funds (e.g. the State) cannot provide financial or other assistance to an agency, organization, or person that discriminates based on disability in providing any aid, benefit, or service. As such, WSDOT is lawfully forbidden from providing funds to a local agency that does not comply with ADA and Section 504.

To remain in compliance with ADA and Section 504, WSDOT will be requiring all local agencies with more than fifty fulltime employees and are receiving FHWA funds to provide documentation demonstrating they have started, or completed, an ADA transition plan by January 1, 2025.

Who is covered?

If WSDOT provides FHWA funds to a local government agency or other entity with more than fifty fulltime employees, all the operations of the agency, department, or organization to which the funds are distributed are covered. Enhancement grants, safe routes to school funds, earmarks, as well as local highway user revenue distributions are some examples of qualifying funds and therefore recipients must demonstrate compliance in all programs.

What is an ADA transition plan?

An ADA transition plan identifies barriers to ADA compliance and provides actions that a sub-recipient will take over the next several years to remove barriers within the public right of way and all sub-recipient owned facilities identified during the sub-recipient's continued self-evaluation efforts. Sub-recipients demonstrate their commitment to achieving substantial ADA compliance through a comprehensive approach outlined in their plans. This approach includes strategies for public engagement and involvement, details on agency wide ADA roles and responsibilities, and a plan to identify, prioritize, and address ADA features in public facilities and public right-of-way.

What documentation is sufficient to demonstrate that a plan has been started or completed?

Sufficient documentation if an ADA Transition Plan has been completed

If a plan transition plan has been completed, local governments must provide a copy of the plan to WSDOT's Office of Equity and Civil Rights. Copies of the plan can be emailed directly to wsdotada@wsdot.wa.gov.

Sufficient documentation if an ADA Transition Plan has not been completed

If a plan has not been completed, local governments must email documentation demonstrating that the drafting of a plan is in progress. Examples of sufficient documentation include, but are not limited to, the following:

- A copy of a transition plan draft;
- A written commitment from the local government to complete a plan by a certain date;
- A schedule for when a plan will be completed;
- Any written documents that demonstrate actions are being taken to complete a plan;
- Copy of an active ADA grievance process;
- Any inventories or assessments of existing barriers or three or more ADA-related features (best practice minimum - curb ramps, pedestrian signals and sidewalks);
- Copy of an active ADA Policy Statement.

At a minimum, the documentation must show an assurance that the local government is committed to completing a transition plan within a reasonable amount of time. Questions regarding sufficient documentation can be emailed to wsdotada@wsdot.wa.gov.

What is required of Local governments and other entities' ADA Transition Plans?

All Sub-recipient ADA Transition Plans must include the following elements:

- Identity the local agency's ADA Coordinator by name and include contact information;
- The Sub-recipient's current ADA policy;
- A grievance procedure for ADA complaints;
- The ADA self-evaluation results (for programs and facilities);
- The design standards for all facilities (e.g., buildings and roadway assets); and
- A prioritization schedule for remediating assets and programs that are not ADA compliant, including the subrecipient's commitment to complete the schedule by:
identifying either (if not both) of the following:
 - The completion date for each item on the schedule; or
 - A budget to be applied to the items on the prioritization schedule together with cost estimates for their remediation.
- A summary of all the public involvement opportunities involved in the development of the plan;
- A schedule of how the plan will be updated (every five years, for example.)

How will WSDOT evaluate Sub-recipient plans?

WSDOT requests that local governments provide documentation they have either completed or started an ADA transition plan by **January 1, 2025**.

Upon receiving completed plans, WSDOT will review and provide feedback on whether the plans meet the federal requirements. A copy of the rubric WSDOT will be using to evaluate ADA transition plans is attached to this letter. If an ADA transition plan is not complete, WSDOT will work with the local agency to determine any corrective action and a timeline to complete it.

To assist local governments with meeting the **January 1, 2025** deadline, WSDOT's ADA team is available for questions about, and technical assistance with developing ADA transition plans. To request technical assistance, you can contact WSDOT's ADA Compliance Team through email at wsdotada@wsdot.wa.gov or by calling 1-855-362-4232.

Sincerely,

A handwritten signature in blue ink, appearing to read "Earl Key".

Earl Key Esq. LL.M, M.S.
Senior Director of Transportation Equity

Enclosure: ADA Transition Plan Evaluation Rubric

cc: Jackie Bayne, Deputy Director, Office of Equity & Civil Rights
Shawn Murinko, Assistant Director of ADA Compliance & External Workforce
Autumn Young, Civil Rights Program Manager of Federal Highway Administration
Development
Jay Drye, Director of Local Programs
Reema Griffith, Executive Director of the Washington State Transportation Commission

Americans with Disabilities Act (ADA) Information

WSDOT is committed to providing equal access to its facilities, programs and services for persons with disabilities. The material contained in this document can be made available in an alternate format by emailing the WSDOT Diversity/ADA Affairs team at wsdotada@wsdot.wa.gov or by calling toll free: 855-362-4ADA (4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

Exhibit 1

ADA Transition Plan Evaluation Rubric

Plans will be scored across seven categories as acceptable, unacceptable, or exceeding minimum criteria.

Category One - Official Responsible for Implementation of ADA Transition Plan		
Exceeds Minimum Criteria	Acceptable	Unacceptable
Primary manager, name, title and role included along with delegation by agency directory or equivalent; all or other key ADA contacts within the organization named, including titles and roles	Primary manager, name, title and role included in plan or website; may also include delegation by agency directory or equivalent	Not included in document or name or title listed, but not both; lacks identification of role

Category Two - Inventory of Barriers		
Exceeds Minimum Criteria	Acceptable	Unacceptable
Includes results of inventory, assessments and summary of inventory methodology for three or more ADA-related features (best practice minimum - curb ramps, pedestrian signals and sidewalks); or meets criteria for "Acceptable," but includes plan and/or schedule for expanding evaluation to other features or assets	Includes results of inventory and assessments for at least two ADA-related features (best practice minimum - sidewalks and curb ramps or curb ramps and pedestrian signals); may include summary of inventory methodology	Lacks sufficient inventory to evaluate barriers and/or lacks plan to build such data for self-evaluation

Category Three - Modification Schedule		
Exceeds Minimum Criteria	Acceptable	Unacceptable
Plan shows a strong commitment toward upgrading ADA elements identified in the inventory of barriers in the short term (planned capital improvement projects) and a strong commitment over time toward prioritizing curb ramps at walkways serving entities covered by the ADA. 28 CFR 35.150(d)(2). This would also include prioritization information, planning, and investments directed at eliminating other identified barriers over time. 28 CFR 35.150(d)(3). Resources dedicated to eliminate identified ADA deficiencies.	Plan shows some commitment toward upgrading ADA elements identified in the inventory of barriers in the short term (planned capital improvement projects) and a recognition of priority of curb ramps at walkways serving entities covered by the ADA. 28 CFR 35.150(d)(2). May include some planning for elimination of other barriers over time. 28 CFR 35.150(d)(3). Resources to eliminate identified ADA deficiencies may or may not be identified, but may not be dedicated.	Lacks sufficient commitment to eliminate barriers and/or lacks plan to build a schedule and committed resources

Category Four - Accessibility Methods		
Exceeds Minimum Criteria	Acceptable	Unacceptable
Describe in detail the Methods that will be used to make the facilities accessible. 28 CFR 35.150(d)(3)(ii); standards that will be applied and any modifications/refinements clearly defined (i.e., 2010 ADAAG, 2011 PROWAG)	Describe most of the Methods that will be used to make the facilities accessible. 28 CFR 35.150(d)(3)(ii); primary standards that will be applied clearly identified (i.e., 2010 ADAAG, 2011 PROWAG)	Incomplete description of the Methods that will be used to make the facilities accessible. 28 CFR 35.150(d)(3)(ii); and/or standards that will be applied not clearly identified and/or defined (i.e., 2010 ADAAG, 2011 PROWAG)

Category Five - Public Involvement		
Exceeds Minimum Criteria	Acceptable	Unacceptable
Description of process to allow public to readily access and submit comments for both self-evaluation and transition plan. 28 CFR 35.150(d)(1); 28 CFR 35.105(b). Best practices: a) detailed list of individuals consulted posted conspicuously on website, does not have to be in actual TP, but must be documented and available; b) have both electronic and hard copy notice. 28 CFR 35.105(c)	Description of process to allow public to readily access and submit comments for both self-evaluation and transition plan. 28 CFR 35.150(d)(1); 28 CFR 35.105(b).	Incomplete or unclear process to allow public to readily access and submit comments for both self-evaluation and transition plan.

Category Six - ADA Policy Statement		
Exceeds Minimum Criteria	Acceptable	Unacceptable
Not required of local agencies, but best practice if mentioned and link provided to policy posted conspicuously on website	N/A (Not required of local agencies)	N/A (Not required of local agencies)

Category Seven - Complaint/Request/Grievance Process		
Exceeds Minimum Criteria	Acceptable	Unacceptable
Description of process and detailed information included to help an individual know how to submit a request for accommodation or file a formal complaint; more than one option provided (including assisted) to allow individuals to submit issue	Basic information included to help an individual know how to submit a request for accommodation or file a formal complaint; link to form or other method included	Insufficient information included to help individuals know how to submit a request for accommodation or file a formal complaint