

ADA Transition Plans Frequently Asked Questions

Q. What is a transition plan?

A. Transition plans are required by the American with Disabilities Act (ADA) and Section 504 of the Vocational Rehabilitation Act (Section 504). A transition plan provides for the removal of access barriers identified in an LPAs self-evaluation and inventory that includes a budget and schedule for improvements.

Q. What should a transition plan include?

A. At minimum, a transition plan should include the following:

1. Identification and location of physical barriers (i.e. no detectable warning at 10th and Main)
2. Method used to make facility accessible (i.e. install detectable warning)
3. Schedule for removing barriers and making modifications (i.e. March 15, 2012)
4. Name of the official responsible for making the modifications (i.e. Highway Superintendent)
5. An estimate of the cost for making the modifications

The development of the transition plan requires public involvement. Furthermore, the transition plan must be made available for public inspection.

Q. Do I need a Transition Plan?

A. All LPAs receiving any federal funds are required to have a transition plan, as well as, all LPAs with 50 or more employees.

Q. What employees count towards the 50 employee requirement for an ADA Transition Plan?

A. Any employee who receives any kind of compensation from the LPA is counted toward the 50 employee requirement. Count all employees, including part-time workers and anyone who receives a benefit from the LPA (i.e. medical), as well as, elected officials.

Q. Do we need to conduct a self-evaluation/Inventory?

A. Yes, all LPAs must have a self-evaluation and inventory of all of their faculties, programs, policies and activities to evaluate whether there are access barriers for persons with disabilities.

Q. When does the ADA Inventory need to be completed?

A. Self-evaluations and transition plans have been required of federal aid recipients since 1973 under Section 504. Under the ADA, all governments with 50 or more employees should have completed a transition plan by 1992. The deadline for completing the improvements listed in the transition plans was 1995.

INDOT and the FHWA Indiana Division are directing all LPAs who do not currently have an ADA inventory and those who have not updated their inventories or transitions plans to complete their inventories and transition plans by December 31, 2012. Failure to have a transition plan may result in the deferral of your construction projects and/or impact funding eligibility.

Q. What must be included in the ADA Inventory?

A. Please review the "ADA Process for Compliance". The items required to be evaluated are listed in number 19 in the document.

Q. What part of the state road will INDOT cover when it intersects with a local road?

A. The state will cover all crosswalks and curb ramps on all corners directly adjacent to the state road, including those curb ramps and crosswalks running parallel to the state road, for the purposes of this inventory.

Q. Can our community remove non-compliant sidewalks instead of repairing them?

A. Sidewalks are "public programs." An LPA's decision to remove a sidewalk should be based on some documented significant justification. There may be scenarios where the removal of a pedestrian facility might be warranted; however, disrepair is not generally a justification for sidewalk removal. The removal of sidewalks without justification may expose an LPA to increased liability.

By contrast, a "project" to improve safety or add travel-lanes might justify the removal (alteration) of pedestrian facilities. Regardless, an LPA should provide alternative (replacement) routes as part of any project when sidewalks are removed. Furthermore, under the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) R202.3.3, which is considered a best practice, "An alteration shall not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site below the requirements for new construction in effect at the time of the alteration."