



MaineDOT

Americans with Disabilities Act (ADA)

Title II Transition Plan

September 4, 2019



U.S. Department
of Transportation
**Federal Highway
Administration**

Maine Division
September 19, 2019

40 Western Ave, Rm 614
Augusta, ME 04330
207-622-8350

In Reply Refer To:
HDA-ME

Joyce Taylor, Chief Engineer
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333

Subject: Maine Department of Transportation Americans with Disabilities Act Transition Plan

Dear Ms. Taylor:

On September 9, 2019, our office received the final revised version of the Maine Department of Transportation (MaineDOT) Americans with Disabilities Act (ADA) Title II Transition Plan for our review. I am pleased to inform you that the Transition Plan meets the minimum required attributes as set forth in the U.S. Department of Justice's ADA Title II regulations at 28 CFR 35.150(d).

We recognize and appreciate the diligent efforts of Theresa Savoy to develop and complete the ADA Transition Plan. If you have any questions, please contact Ms. Wanda Hughley-Culbertson, Civil Rights Specialist, at 603-410-4860 or wanda.hughley-culbertson@dot.gov.

Sincerely,

Todd D. Jorgensen
Division Administrator

cc:
Mr. Bruce Van Note, MaineDOT
Ms. Theresa Savoy, MaineDOT
Ms. Wanda Hughley-Culbertson, FHWA
Ms. Sharon Field, FHWA

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Introduction

In August of 1994, the Maine Department of Transportation (MaineDOT) completed an initial Title VI/ Section 504/Americans with Disabilities Act (ADA) Transition Plan. In preparing this document, MaineDOT's evaluation included a review of its nondiscrimination policies, its equal employment opportunity statement and its employment practices. The initial plan also included a nondiscrimination complaint process and a commitment to improve accessibility at public facilities such as rest areas, ferry terminals and public venues. It tasked the highway and bridge program areas to consider and ensure accessibility in the design of projects. The initial plan did not include an inventory or evaluation of the State of Maine's public right-of-way, including curb ramps, sidewalks and signalized crossings. It also did not inventory rest areas or public facilities for ADA compliance.

As a state agency MaineDOT must meet the requirements of Title I and Title II of the Americans with Disabilities Act. Much of what is required by Title I of the ADA prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, and job training. As a State agency, MaineDOT is regulated by the State of Maine Department of Finance and Administration on laws and regulations relating to Title I. This document will focus on Title II of the ADA, which applies to state and local government entities, and, in subtitle A, protects qualified individuals with disabilities from discrimination in services, programs, and activities provided by state and local government entities.

This document updates the initial plan and is based on requirements and guidelines set forth in the ADA and by the Federal Highway Administration (FHWA). In November of 2015, FHWA provided additional guidance for State agencies in the development of their transition plans, *State DOT Transition Plan Attributes Review Guide* (Appendix I). Requirements of that Guidance are shown in italics in the document. As stated above, this Plan is specific to Title II of ADA. Its initial focus is to identify and address accessibility concerns under the FHWA's jurisdiction. The Transition Plan will therefore focus mainly on highway and bridge facilities, rest areas, Park and Ride Lots and the other highway facilities. It will also review MaineDOT's policies as they relate to ADA in the alteration and construction of those facilities. This document reflects MaineDOT's good faith efforts to comply with and implement the provisions of Title II of the Americans with Disabilities Act (ADA), especially as these regulations relate to pedestrian facilities on its highway system.

Limitations

MaineDOT faces many challenges in reaching full compliance with the ADA. Most of the upgrades made to the transportation system will occur as alterations to existing right-of-way and building facilities, and much of this work is contingent on funding and prioritization within MaineDOT's Work Plan. MaineDOT must comply with laws regarding the acquisition of property rights, historic preservation and environmental considerations, as well as physical constraints. MaineDOT intends to comply with ADA guidelines "to the maximum extent feasible" but, at times it is

technically infeasible to accomplish a fully compliant solution. Every effort will be made to remove all barriers and provide easy access to transportation facilities over which the department has control. In addition, attempts will be made to work with other public right-of way owners and adjacent property owners to determine the best solution for each area. The Department will follow its established guidelines on technical infeasibility and undue financial burden.

Purpose of the Transition Plan

The purpose of this Plan is to:

1. Assure compliance with the administrative requirements of the ADA and Section 504 of the Rehabilitation Act of 1973 as these relate to the State's highways, bridges and facilities within its jurisdiction; and
2. Serve as an informational document for any persons interested in MaineDOT's ADA highway and bridge improvement efforts; and
3. Provide a roadmap for MaineDOT to create the most accessible transportation system possible.

Revisions and Updates

Once approved, the Plan will be reviewed every three (3) years to update any new requirements, staff contact information, and include any new (or changed) policies, guidance and processes. Starting in spring of 2019, the ADA Curb Ramp Inventory will be updated annually to:

1. Document updates and improvements made to the transportation system based on work plan and municipal improvements; and
2. Incorporate new data from scheduled inventories of the MaineDOT system. (See Inventory Schedule and plan below)

MaineDOT's Mission Statement

To responsibly provide our customers with the safest, most reliable transportation system possible, given available resources.

MaineDOT America with Disabilities Act Policy Statement

The Americans with Disabilities Act (ADA) of 1990 and the Rehabilitation Act of 1973 prohibit a public entity from discriminating against qualified persons with disabilities in access to facilities and services that the public entity provides. For MaineDOT and organizations that receive funds from MaineDOT, these services, facilities or activities are related to the planning, design, construction, maintenance, and operations of transportation systems.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC §794), the Maine Department of Transportation, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of their

disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

Responsibility for ADA Transition Plan

FHWA requires that states designate an ***official responsible*** for implementation of the TP, i.e., *Executive Director, Secretary, Commissioner, Chief Engineer, etc.* 28 CFR 35.150(d)(3)(iv).

At MaineDOT, the coordination and implementation of the Transition Plan for is the responsibility of the Chief Engineer. The Chief Engineer approves the Transition Plan and provides guidance and leadership to ensure compliance and commitment to The plan. The Chief Engineer designates an ADA Coordinator who will be responsible for the day to day implementation of this plan as it relates to Title II of the ADA.

Joyce Noel Taylor
Chief Engineer
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333
Office Phone: (207)624-3000
E-mail: joyce.taylor@maine.gov

Designation of Title II ADA Coordinator

The following individual has been designated as the coordinator for ADA implementation of this plan within MaineDOT:

- Title II ADA Coordinator:

Theresa Savoy
Title II ADA Coordinator
Office of Safety
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333

Office Phone: (207) 624-3238
E-mail: theresa.savoy@maine.gov

**To review and comment on the MaineDOT Updated ADA Transition Plan
please visit: <https://www1.maine.gov/mdot/civilrights/ada/transition-plan/>**

ADA Transition Plan Team

In the spring of 2016 an ADA Transition Plan Team was created and chartered to work toward developing needed aspects of the required plan. This plan was to be

completed and submitted to FHWA by September 30, 2016. The Team's charge was to develop long term processes for deliverables from the Plan and to provide guidelines as to how the Plan is implemented. It also created or updated procedures and policies to ensure accessibility on the State's transportation system. The Team was made up of individuals from the Executive Office (Chief Engineer), Bureaus of Planning, Project Development, Maintenance and Operations, including the Traffic Division, the Results and Information Office and Legal and Civil Rights Office. (Appendix II)

Jurisdictional Responsibilities

Overview of the Maine Highway System

There are 23,457 miles of public roads in Maine. Many of these roads (14,403 miles) are local and municipal roads. MaineDOT has jurisdiction over 8,800 miles of roadway in Maine. There are many classifications of roads in Maine. Information on Maine's road classifications can be found at <https://www.maine.gov/mdot/csd/roadwayinfo/>

Although MaineDOT has jurisdiction over these roads, the maintenance responsibility for some of these highways falls within urban compacts of many cities and large towns in Maine. State statute defines "urban compact areas" (23 MRS §754) and the responsibilities for maintenance within those compacts:

23§754. Town maintenance in compact areas

"1. Jurisdiction. Except as otherwise provided, all state and state aid highways within compact areas of urban compact municipalities, as defined in subsection 2, as determined by the department must be maintained in good repair by the town in which the highways are located at the expense of the town. Municipalities must be notified one year in advance of changes in compact or built-up sections that place additional maintenance responsibilities on the municipalities. Municipalities may waive the requirement of the one-year notice. When any town neglects to maintain the highways within 14 days after notice given its municipal officers by the department, the department may proceed to make necessary repairs to that way, which must be paid for by the State and the cost for the repairs must be withheld from funds due the town under the Local Road Assistance Program, established in chapter 19, subchapter 6. The amounts collected from these towns must be added to the fund for maintenance of state and state aid highways."

There are currently 47 Urban Compact Municipalities in Maine. A list of urban compact areas can be found at: <https://www.maine.gov/mdot/csd/roadwayinfo/>. See Maine "Urban Compact" Municipalities

In June 2014, MaineDOT revised and implemented its Local Cost Sharing Policy. The purpose of this policy was to "create a fair and consistent basis for sharing the cost of major investments to the state highway and bridge system." This clarifies cost and maintenance responsibilities for those projects outside the Municipal planning Organization (MPO) Capital Management Area, leaving open the potential for each of the MPOs to adopt the policy at its discretion.

Maintenance of Pedestrian Facilities in the Right-of-Way

Maine Statute defines “highways” as “all of the right-of-way that may have been laid out by the State, county or towns.” In most instances, the term includes the pedestrian facilities in those rights-of-ways.

Under 23 USC§116, federal law requires that facilities that are constructed with federal funds be maintained either by the MaineDOT or through maintenance agreements with the appropriate local officials. MaineDOT enters into agreements with municipalities when pedestrian facilities are upgraded or constructed; the agreements require the municipalities to maintain those facilities.

Below are excerpts from the Local Cost Sharing Policy as it relates to sidewalk maintenance:

“Sidewalk Maintenance - Municipalities are responsible for year-round maintenance of all existing, new or replaced/rehabilitated pedestrian facilities. MaineDOT reserves the right to perform maintenance and invoice the municipality if the municipality does not satisfactorily perform appropriate maintenance.”

Additionally, when municipalities are engaging in maintenance paving on the state highway system, this treatment is considered an alteration by US DOJ and FHWA and as such, ADA upgrades must be completed by the municipality pursuant to the “MaineDOT ADA Compliance Policy for Construction and Maintenance.”

MaineDOT also enters into agreements with municipalities when sidewalks are constructed. In our Locally Administered Projects the following language is included in each “Agreement for a federal-aid Locally Administered Project”:

“The Municipality shall operate and maintain the completed Project for its useful design life as determined by accepted engineering standards. Maintenance shall consist of general upkeep, including snow and ice control, and repairs necessary to preserve year-round public access, including for persons with disabilities, with only isolated or temporary interruptions. If necessary, MaineDOT may undertake maintenance and invoice the Municipality. **This section shall survive the expiration of this Agreement.**”

Applicable Reference Codes, Standards and Guidance

Standard and Methodology Used for ADA Evaluations

FHWA requires that states: *Describe in detail the **Methods** that will be used to make the facilities accessible.* 28 CFR 35.150(d)(3)(ii)

Public Right-of-Way

MaineDOT will rely on the 2010 ADA Standards for Accessible Design, which incorporates the 2004 ADA Accessibility Guidelines (ADAAG). It will also use provisions adopted by the US DOT in 2006 that incorporate 2006 ADAAG standards for detectable warnings and other transportation concerns that the 2010

ADAAG does not address. Those standards are codified in 49 CFR 37, Appendix A. Lastly, where the above guidance is silent, MaineDOT will refer to the 2011 Proposed Public Right-of-Way Accessibility Guideline (PROWAG) for guidance of best practices.

Maine has developed an ADA Design Guidance and updated Standard Details as they relate to pedestrian ramps. This upgrade allows for more scenarios and provides more information for designers and contractors for both design and on-site compliance assistance.

Communications Policies and Guidance (includes public involvement)

- State of Maine Accessibility Policy on Effective Electronic Communications: <https://www.maine.gov/oit/policies/ADA-effective-communication-policy.pdf>
- Section 508 of the Rehabilitation Act of 1973 as amended by 1998 the Work Force Investment Act (section 1194.22 and its subsequent amendments) as minimum requirements for web accessibility
- MaineDOT Public Involvement Plan <http://maine.gov/mdot/docs/2015/MaineDOTPublicInvolvement1015.pdf>
- Federal Highway Administration Public Involvement Techniques for Transportation Decision-Making Document
- FHWA Environmental Justice Guidance Document
- Maine Bicycle and Pedestrian Council

Undue Burden Analysis:

In making program wide decisions for this plan, MaineDOT may determine whether financial and administrative burdens are undue. A public agency must consider all the public agency's resources available for use in the funding and operation of the service, program, or activity. By law (28 CFR Part 35, APP. A), an undue burden can also be a change which would result in a fundamental alteration in the nature of a program, service or activity.

The test for being unduly burdensome is the proportion of the cost for accessibility improvements compared to the agency's overall budget, not simply the project cost. If it is determined that full ADA compliance is an undue financial burden, then ADA compliance is met to the best of available options. A written statement of the reasons for reaching that conclusion must be documented. [28 CFR § 35.150(a)(3)]. ADA regulations require documentation that is signed by the "head" of the agency, or his or her designee, whenever an undue burden is determined.

Technical Infeasibility:

The 2011 PROWAG "recognize[s] that it is not always possible for altered elements, spaces, or facilities to fully comply with new construction requirements because of existing physical constraints. Where existing physical constraints make it impracticable for altered elements, spaces, or facilities to fully comply with the requirements for new construction, compliance is required to the extent feasible within the scope of the project."

Because most of MaineDOT curb ramp upgrades are considered alterations, there will be instances when it will be technically infeasible for some pedestrian facilities

to be constructed in full and strict compliance with the requirements of ADA Standards. In such circumstances, MaineDOT will provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, MaineDOT will consider the extent to which physical or site constraints can be addressed. Because the burden of proving technical infeasibility lies with the state or local government that constructed the facility, MaineDOT has developed an ADA Technical Infeasibility Form (TIF) to assist designers and contractors when it is determined that a curb ramp cannot be made compliant because of site constraints. The TIF will document why the facility cannot be made compliant and will become part of the ADA Curb Ramp Inventory. That form can be found at: <https://www.maine.gov/mdot/civilrights/ada/docs/2019/Technical-Infeasibility-Form-2019-May.pdf>

2013 USDOJ/USDOT Alteration Guidance:

In the summer of 2013, the U.S. Department of Justice and the U.S. Department of Transportation released a joint memo clarifying the definition of alterations on highway projects, [2013 DOJ/DOT Joint Technical Assistance](#). From this memo MaineDOT reviewed its policy on ADA Compliance and updated the ADA Compliance Policy for Construction and Maintenance.

Self-Evaluation and Inventory Schedule

FHWA requires that states do the following for self-evaluation:

***Inventory of barriers** (identification of physical obstacles) 28 CFR 35.150(d)(3)(i); 28 CFR 35.105 (a) – State demonstrates 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.*

Require an Action Plan to develop an inventory of sidewalks (slopes, obstructions, protruding objects, changes in levels, etc.), signals (APS), bus stops (bus pads), buildings, parking, rest areas (tourist areas, picnic areas, visitor centers, etc.), mixed use trails, linkages to transit.

The initial step in developing a Transition Plan is to conduct an inventory of MaineDOT owned facilities for accessibility. This initial phase is called the “self-evaluation phase.” MaineDOT’s self-evaluation determined which facilities to inventory and developed a process for those inventories. To ensure that upgraded and new facilities met ADA compliance MaineDOT also inventoried internal policies, forms and guidance that impact ADA compliance on projects.

Policy and Guidance Inventory

For MaineDOT to comply with the self-evaluation process it first needed to ensure that policies, forms and internal and external guidance were consistent and accessible to agency staff, consultants, contractors and the public.

MaineDOT has reviewed its policies and documents as they relate to Title II of ADA. MaineDOT found several policies that are directly related to ADA compliance or that impact ADA compliance on projects. Those policies include:

1. MaineDOT Design Guidance - Minimum ADA Requirements for Pedestrian Facilities - Updated May 2019
2. MaineDOT Pedestrian Ramp Standard Details 801(11-26) – Updated May 2019
3. MaineDOT ADA Compliance Policy for Construction and Maintenance – Updated in 2016
4. ADA Technical Infeasibility Checklist – Updated May 2019
5. MaineDOT Guidelines on Crosswalks – Updated 2016
6. MaineDOT Complete Streets Policy- Adopted 2014
7. MaineDOT Local Cost Sharing Policy – Updated 2014
8. MaineDOT Mailbox Policy – Updated 2015
9. Municipal memorandum of Agreement – Updated 2016

MaineDOT has updated these documents to ensure policies are consistent and compliant with the ADA. All current Policies are posted on the MaineDOT ADA webpage at:

<https://www1.maine.gov/mdot/civilrights/ada/resources-engineers/>

Public Facilities Inventory

MaineDOT has an ongoing inventory process for evaluating its pedestrian facilities on these roads and bridges that we own. To date we have located 13,246 curb ramps on MaineDOT owned highways. That number is expected to change as we continue our on-site collection of ADA compliance data, adding midblock crossings not initially located in the initial Curb Ramp Inventory.

MaineDOT does not oversee fixed-route public bus transit in Maine. We work with transit providers to help connect with their systems. Portland Metro, a transit provider in Maine's largest city, is conducting an inventory of its system. The City of Portland is also undergoing an inventory of its road system and we will be coordinating with the City to collect data on our system.

MaineDOT owns and operates the Maine State Ferry Service (MSFS) and manages some island piers for the Casco Bay Island Transit District (CBITD).

MaineDOT is in the process of carrying out a self-evaluation of its public facilities. At the FHWA's direction, MaineDOT has focused its initial inventory and evaluation on curb ramps on its highway and bridge systems to address barriers to accessibility. MaineDOT has begun that process, described below, and is working towards a more robust inventory over the next five years (dates are targets). That inventory and evaluation will include:

1. Sidewalks – Inventory begins 2023
2. Curb Ramp Inventory- Complete 2022
3. Traffic Signal Systems (APS) – Complete 2021

4. Park and Ride Lots – Completed 2020
5. Rest Areas: Inventory of MaineDOT rest areas – Complete 2020
6. MSFS terminals, parking lots and public buildings inventory -Complete 2020
7. Other Island Facilities owned by MaineDOT – Complete 2020

Data Collection Caveats and Solutions

MaineDOT inventories are always changing based on collection, projects completed, and information provided by the public. As was mentioned above, inside the urban compacts, cities are responsible for much of the annual work. Many communities do much of their work on their sidewalk systems and their highway systems. Regardless of who does the work on MaineDOT's system, updates need to be captured.

We encourage municipalities to meet ADA compliance in their communities. For work done by municipalities on MaineDOT roads, an entrance opening permit is required. We also require that municipalities enter a Memorandum of Agreement where they are required to meet standards, including ADA compliance, on any sidewalk and curb ramps impacted by a project. This allows MaineDOT better information on what is occurring in communities.

MaineDOT Inventory process

Sidewalks

In 2011, MaineDOT began its right-of-way inventory to identify all sidewalks within the State-owned rights-of-way on its entire system. Currently there are 814.28 miles of sidewalk on MaineDOT's system; 193.75 miles have sidewalk on both sides, 426.79 miles have sidewalk on one side only. MaineDOT keeps this information in its access management data systems and it is available on our internal and external Map Viewers. This inventory is used in ongoing assessments on accessibility of right-of-way infrastructure on MaineDOT's system.

MaineDOT has yet to develop a process for inventorying the condition of sidewalks on its system. MaineDOT is in the process of reviewing other states and cities to develop a process for collecting data on sidewalk condition, compliance and will develop a process for collecting that data. Because municipalities in urban compact areas in Maine are responsible for maintaining sidewalks, Maine will work closely with municipalities to develop a process for sidewalk improvements.

When MaineDOT reconstructs sidewalks during heavy construction projects, it will ensure compliance on those sidewalks. Once collection of curb ramp data is complete MaineDOT will embark on a more complete sidewalk inventory. MaineDOT intends to begin that inventory in 2023.

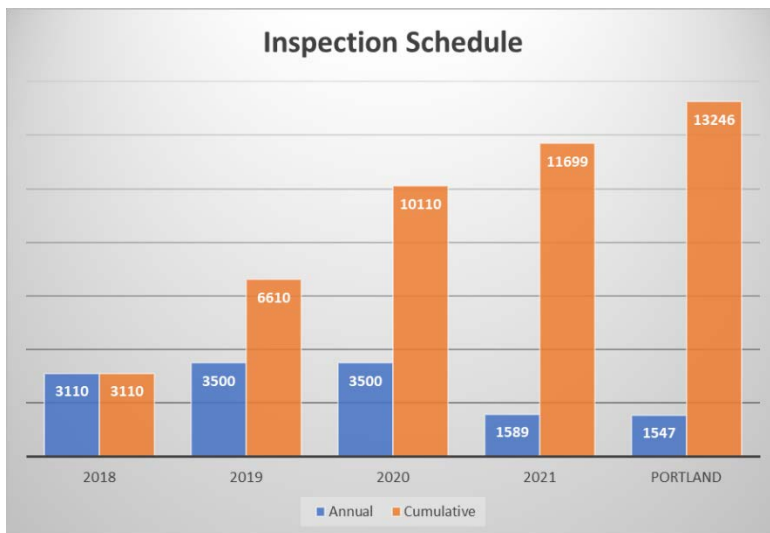
Curb Ramp Inventory

MaineDOT's ADA Curb Ramp Inventory is a living document. This document will be consistently updated upon data collection, improvements of facilities and additions of new facilities. It MaineDOT's priority for compliance is to ensure that every curb ramp that is impacted by project work is made ADA compliant to the maximum

extent feasible. MaineDOT works on the highways and intersections yearly, this data will be tracked, and the ADA Inventory will be updated to incorporate the prior collection data and project improvements.

Much of Maine's pedestrian system is not fully compliant with the ADA. The initial inventory was developed matching our sidewalk inventory and intersection node data and review of the data was done remotely through GIS mapping (Google Earth). This process had limitations, because of the nature of Google Earth's schedule; some photographs were old and did not reflect the most recent upgrades and views of ramps were sometimes obstructed. Therefore, the GIS inventory does not reflect the most recent information. Also, because the original data was based on nodes, or intersections, midblock locations were not captured.

In 2017, MaineDOT developed an ArcGIS mapping program and a mobile collection software program application or APP to do on-site data collection. That year, we contracted with Regional Planning Organizations (RPOs) to collect data on existing



2018 MaineDOT Curb Ramp Inventory

began an on-site collection of curb ramps which includes midblock crossings. This collection took place outside the areas within our four Metropolitan Planning Organizations (MPOs).

In 2018 we also asked Municipal Planning Organizations to begin collecting data within their areas. Portland, Maine's largest city, has embarked on their own data collection so at this time

we are not collecting in that city.

With collectors in both the RPOs and MPOs we hope to complete our curb ramps collection efforts in 2022.

Currently our collection efforts have located **13,246 curb ramps** in the [MaineDOT Curb Ramp Inventory](#).

We have fully inspected 3100 ramps and of that data 322 are fully compliant. This seems like a small amount; however, it is important to note that not all noncompliant curb ramps are unusable. Some curb ramps fail on all aspects of compliance because they do not have a ramp where one should be, others fail on just one or two requirements.

The inventory is an Excel spread sheet and can be searched as such. Much of the curb ramp data remains to be collected, therefore not all the information is current. The document can be search by town. Intersection for each curb ramp is provided. The inventory also shows the date of estimated compliance.

Each curb ramp is given an identification number. Clicking on that number in the on-line inventory will take the user to the MaineDOT MapViewer.

Each curb ramp is given a dollar cost estimate based on the intersection type. For curb ramps at:

- Side streets where it is anticipated that a simple side road curb ramp will be provided, the cost is estimated at \$1,000.00 per ramp.
- Intersections where 3 or more ramps exist, parallel curb ramps will need to be installed and more work is needed to come to full compliance. Cost for these are estimated at \$2,500.00 per ramp.
- Complicated intersections that are signalized and may need further upgrades, the cost is estimated at \$5,000.00 per ramp.

As part of the curb ramp inventory, collectors are noting where ramps directly connect to a public facility. MaineDOT is collecting data on where ramps are in relation to schools, hospitals, court houses, municipal and state offices, public parks, libraries, and other facilities. The collection of this data will help us evaluate potential projects to ensure that those facilities are prioritized.

Traffic Signal Systems/Accessible Pedestrian Signals (APS)

MaineDOT continues to collect traffic signal information, including ADA compliance. Data is collected on all traffic signals and reviewed to determine:

- If the signal served a pedestrian facility, and
- If pedestrian signals were present, and
- What type of signal indicator was present, and
- If push buttons were active and accessible, and
- What type of audio and tactile information was available.

MaineDOT will be collecting data and hopes to complete its inventory of pedestrian signals by 2020.

In 2019, MaineDOT was awarded a Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant to upgrade intersection signalization across the state. This grant will provide funding to upgrade signalization and ramps to ADA Compliance to the maximum extent feasible at intersections where pedestrian facilities are presents.

Rest Areas

MaineDOT owns 47 rest areas in Maine. These rest areas vary in service from full year-round facilities to remote seasonal sites. The MaineDOT will inventory all of these rest areas ADA compliance using *ADA Checklists for Existing Facilities* developed by the ADA National Network and the Institute for Human Centered Design. The inventory will include the facilities, access to the facilities and parking

lots serving those facilities. The inventory will begin in the Summer of 2019 and will be completed in 2020.

Once finished the MaineDOT will develop a mitigation plan to make all rest areas compliant to the maximum extent feasible. MaineDOT regional planners will work with RPOs to ensure that capital improvements are incorporated in long- range plans.

MaineDOT will update and post inventory on MaineDOT ADA webpage and on the internal/external MaineDOT MapViewer.

Maine State Ferry Service Facilities Inventory

The Maine State Ferry Service (MSFS) is an island transit service serving island communities and visitors off the coast of Maine. The MSFS currently serves six island communities off the central coast. They are:

- Frenchboro
- Islesboro
- Matinicus
- North Haven
- Swan's Island
- Vinalhaven

There are three mainland terminals where ferries can be boarded. They are:

- Rockland Terminal
- Lincolnville Terminal
- Bass Harbor Terminal

For more information on Ferry Terminals and Schedules please visit the MSFS webpage at: <https://www.maine.gov/mdot/ferry/>

The MaineDOT will inventory all mainland and island facilities for ADA compliance using *ADA Checklists for Existing Facilities* developed by the ADA National Network and the Institute for Human Centered Design. The inventory will begin in the Summer of 2019 and will be completed in 2020.

The MSFS website will also be updated to incorporate an ADA accessibility page which will include findings from the inventory and provide travelers with information regarding accessibility. This page will be uploaded in 2020 and will also be linked to the MaineDOT “*ADA Accessibility Program*” webpage when it is complete.

MSFS Vessels

MSFS owns and operates seven ferry vessels. Given the age and maintenance schedule for the vessels, accessibility on each may vary. MaineDOT will undergo an accessibility assessment for each ferry in 2019 and 2020. In this assessment, the MSFS will review rest room accessibility, deck access and loading access. Information from this survey will be posted on the MSFS website. As the MSFS replaces its fleet, new vessels will be fully compliant. As existing vessels undergo maintenance they will be assessed for accessibility upgrades where it is technically

feasible, given the scope of maintenance. Below is a description and schedule for each vessel:

Vessel	Year Constructed	Age	Replacement Schedule
Thompson	2012	7	2042 – Midlife Extension 2027
Everett Libby	1960	59	Retire 2020 Replace 2023
Governor Curtis	1968	51	Retire 2020
M.C. Smith	1987	32	2024
Capt. Henry Lee	1992	27	2021 – Bid out Oct 2019
Capt. Chas Philbrook	1993	26	January 2020
Capt. Neal Burgess	1993	26	2023

Other Island Facilities Owned by MaineDOT

MaineDOT owns some island piers off the coast of Maine which receive public ferries owned and operated by the Casco Bay Island Transit District (CBITD).

MaineDOT owned piers are:

- Little Diamond Island Pier
- Little Diamond Island Pier- 01
- Little Diamond Island Pier- 02
- Great Diamond Island Pier
- Great Diamond Island Pier- 01
- Great Diamond Island Pier- 02
- Great Diamond Island Pier- 03
- Chebeague Island Pier
- Chebeague Island Pier- 01
- Long Island Pier
- Peaks Island Pier
- Peaks Island Pier- 01

This inventory will also be completed in 2020 and will be available on MaineDOT's "ADA Accessibility Program" webpage when it is complete.

Schedule for Improvements on Highways and Bridges

FHWA requires the following:

Schedule – Show 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 planning and investments directed at eliminating other identified barriers over time. 28 CFR 35.150(d)(3)

The following describes MaineDOT's various methods for barrier removal and describes the schedule.

Methods for Barrier Removal

Resurfacing Projects: As stated above, MaineDOT is responsible for 8,800 miles of roadway in Maine. These roadways serve a variety of purposes and range from the Interstate Highway System to unbuilt state highways off the National Highway System. MaineDOT has developed a highway corridor priority (HCP) that helps us to focus funding on maintaining roads with certain treatments. MaineDOT has created a Highway Corridor Priority process which dictates what treatments will be used on our roads. Different treatment will provide different outcomes in the expected life of the treatment. Various treatments, from maintenance to full reconstruction will have various service lives according to the treatment. Those treatments that the US Department of Justice and the US Department of Transportation define as alterations will last between 7 and 20 years given the treatment. A comparison of treatments, cost and expectant life is below. To learn more about MaineDOT's highway system, go to the [MaineDOT Roads Report 2016](#).

Treatment	Expected Life in Years
Reconstruction	20
Rehabilitation	15
1-1/2" HMA Overlay	11
1-1/4" HMA Overlay	10
Mill and Fill	8
3/4" HMA Overlay	9
Ultra-Thin Bonding Wearing Surface	8
Cyclical Pavement Resurfacing (CPR)	9
Light Capital Paving LCP	7

From MaineDOT Roads Report: 2016

ADA Compliance Policy for Construction and Maintenance: MaineDOT first developed its policy for ADA compliance on construction and maintenance projects in the spring of 2012. The policy gave guidance to project development, maintenance, and traffic engineering staff on when and to what extent ADA upgrades should be made on various pavement and traffic treatments. Because of the August 2013 DOJ/DOT Joint Technical Assistance memo, a new policy was developed and was last updated in August 2016. That policy better defined the MaineDOT's approaches to ADA on all projects. That policy can be found on our website. We encourage municipalities to review the document and use it as a model for their own policies. The ADA Compliance Policy can be found at: <https://www1.maine.gov/mdot/civilrights/ada/resources-engineers/>.

It is expected that MaineDOT will make ADA upgrades to a majority of its highway network as part of routine construction and maintenance projects over the next 7-20 years.

Bicycle and Pedestrian Programs: MaineDOT funds bicycle and pedestrian improvements in communities throughout the state through its federally-funded competitive programs. The program uses a variety of funding sources to provide funding assistance to communities to improve the quality of the community environment. MaineDOT accepts applications on an ongoing basis. The program provides federal funding assistance of approximately \$2.2 million per year in bicycle and pedestrian projects that meet the transportation purpose of connecting neighborhoods, schools, downtowns and village areas. Municipalities that apply to the program must show that the project serves a transportation purpose, has community support, is buildable and environmentally feasible, and will improve public safety.

Not all these projects are on MaineDOT highways, but we do require that ADA compliance is met on all projects.

Locally Administered Projects (LAPs): Local Project Administration through MaineDOT enables cities, towns and nonprofit agencies to make transportation improvements with federal and state money. A certified staff member takes charge of a “locally administered project” in partnership with MaineDOT, which makes sure all federal and state requirements are met.

Municipalities and other local agencies use locally administered projects to resurface and rebuild state-aid roads, make intersections safer, develop sidewalks and shared-use paths, install piers and floats at local harbors, and replace local bridges of regional importance. Like Bike/Ped projects, not all LAPs are on MaineDOT highways or bridges. They are required, however, to comply with ADA standards.

Requests for Accommodations: When MaineDOT receives a request or complaint from the public regarding accessibility we will do our utmost to improve accommodations. These accommodations will be reviewed and will be addressed to the maximum extent allowable given ADA requirements, safety standards, infrastructure restrictions, and policies. It is important to note that not all accommodations can be made because of safety and infrastructure, still others may need engineering and design to complete and may require time to produce.

MaineDOT ADA Fund

Since 2017, MaineDOT has set aside \$500,000.00 annually to address ADA specific concerns. This flexible fund allows us to move quickly to address ADA concerns that arise from the public, on projects that may have not been scoped to include ADA upgrades on curb ramps or where curb ramps were just outside the scope of a project but provided continuity for pedestrians with disabilities. MaineDOT has given the ADA Coordinator discretion in funding decisions. The ADA Coordinator prioritizes ADA funding in many ways, including Heads-Up project prioritization (See Heads-Up Pedestrian Safety Forums on page 17/18), regional input from designated staff, public inquiries and complaints, inventory analysis and site reviews. The ADA Coordinator also sits on the *MaineDOT Safety and Mobility Group* which includes prioritization of ADA projects and funding. (Appendix III)

We may also encounter critical ADA deficiencies which need to be addressed outside of traditional project prioritization. These are determined to be necessary because of their proximity to public facilities, or because we have had concerns brought to our attention by the public, or because they are known safety concerns. In 2017-19 MaineDOT is holding Heads-Up pedestrian safety forums in 21 communities across Maine. These forums provide priority sites identified by the public for pedestrians that will be addressed. Many of these sites require ADA upgrades.

Examples of ADA funding used thus far are:

- Curb ramp upgrades on a drainage project that did not extend to an intersection but served a public library;
- Pedestrian signal upgrade just beyond an intersection project that would allow better access beyond the project scope;
- ADA Curb ramp upgrades on a highly used sidewalk that was not improved fully in a prior paving project and would not be scheduled for improvement for many years;
- A community driven midblock crossing installed during a sidewalk project that was not scoped in the project (this crossing was also prioritized during our Heads-Up forum in Lewiston, Maine); and
- A signal and curb ramp up grade on a project that would have been deferred because of upgrade costs.

Once curb ramp data collection is complete, we will have better information on curb ramps and sidewalk facilities that directly serve public facilities, such as schools, hospitals, court houses, public libraries and state and town offices.

MaineDOT is also working with individuals who have disabilities and those who work with them to use our ADA inventory and interactive map to indicate where they are facing challenges on our system.

Traffic Signal Upgrades-BUILD Grant: In 2019, MaineDOT was awarded \$8,241,100 from the U.S. Department of Transportation (USDOT) “Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant. The total cost of the Project is \$16,482,200. MaineDOT will match 50 percent (50%) at \$8,241,100.

At intersections where pedestrian facilities are located, ADA improvements will be made, including accessible pedestrian signals, where pedestrian facilities are present, to allow those with disabilities to cross the roadway at traffic signals more safely than with current design. Curb ramp upgrades will also be improved, providing better access for all users.

MaineDOT ADA Curb Ramp Inventory Schedule: MaineDOT has developed a schedule to address curb ramps that are currently out of compliance. Within existing asset management systems and work plan programs we have incorporated ADA curb ramp information into project information. With the development of 2018 ADA

Design Standards, improved Standard Details on pedestrian ramps, the incorporation of the ADA Curb Ramp Inventory will be automatically part of the scoping and design process when a project becomes a candidate in the MaineDOT Work Plan.

MaineDOT's Curb Ramp Inventory provides a "project completion date" for all projects in the annual MaineDOT Work Plan. The MaineDOT Work Plan outlines the work that the department plans to perform over the next three years. The work plan is calendar year-based and includes all MaineDOT work activities. Projects and activities listed for the most current year will have the most definite schedules and estimates, while those for out-years may be more subject to change.

The MaineDOT Curb Ramp Inventory is matched with projects that have a proposed "Estimated Date of Improvement." To provide more information on anticipated upgrades, we also incorporated the last treatment date relative to curb ramp locations and, based on paving cycles, we provided potential dates for improvements. There are many curb ramps where no date is given. As we develop future work plans, inventory information will be updated or added to reflect the most current data. This will be done annually.

Public Outreach

MaineDOT began its public outreach process in 2011, when it hired PPlourde Associates, to assist the Civil Rights Office with the ADA Transition Plan. Before starting her consulting firm, Penny Plourde worked for many years at MaineDOT in Civil Rights and was Director of the Division of Vocational Rehabilitation at the Maine Department of Labor. As an individual with a mobility disability, Penny provided insight into challenges that disabled individuals face. She helped design a training session for Assistant Engineers and provided the ADA Coordinator with guidance and insight on the ADA Transition Plan. Ms. Plourde provided outreach for MaineDOT develop a public outreach plan, which included stakeholder collaboration and developing connections with organizations and individuals representing those with disabilities. She was a consultant until 2015.

Through this endeavor and through on-going outreach MaineDOT is building a working relationship with many stakeholders who work with individuals with disabilities, individuals who are aging, and with all users of the pedestrian transportation system.

Stakeholder List and Public Notice:

1. AARP- Maine Chapter
2. Alpha One, *Center for Independent Living*
3. Disability Rights Maine
4. Disability Support Services, University of Maine
5. Maine Association for Community Service Providers (MACSP)
6. Maine Area Agencies on Aging / M4A
7. Maine CDC
8. Maine Department of Labor, Bureau of Rehabilitation Services
9. Maine Developmental Disabilities Council

10. Bicycle Coalition of Maine
11. Maine State Police / Dept. of Public Safety
12. Robbie Foundation - serving children with special needs
13. Statewide Independent Living Council -SILC
14. Speaking Up for Us (SUFU) – SUFU is run by and for adults who live with developmental disabilities
15. The Iris Network- serving individuals who are blind and visually impaired
16. UCP of Maine - advancing the independence, productivity and full citizenship of people with disabilities who have multiple needs
17. University of Maine Center for Community Inclusion and Disability Services
18. Maine Transit Association

An important part of the Maine DOT ADA Transition Plan is to gather information and comments from the public, particularly from those most impacted by the accessibility of the transportation system.

MaineDOT provided this list of stakeholders with a copy of the Draft Plan in 2016 and comments were solicited for a two-week period. The notice also encouraged these stakeholders to distribute the Transition Plan to members or others who may be interested in the plan. No formal comments were received at that time.

MaineDOT received comments on the 2016 Transition Plan from the Federal Highway Administration in 2018 and again 2019 and we have completed updates based on those comments.

In August 2019, MaineDOT once again provided stakeholders and their constituents a copy of the updated plan and allowed for a two-week public comment period. We received comments regarding readability, additional information requests and other corrections and additions to the plan. MaineDOT incorporated those comments as where applicable, changes and clarifications were made.

MaineDOT has strong relationships with disabilities stakeholders in Maine. Individuals from the Maine Developmental Disabilities Council, the Maine Department of Labor's Division for the Blind, and American Association of Retired Persons (AARP) are members of our Bicycle and Pedestrian Council. Along with PPlourde Associates, Alpha One, a center for independent living have participated in training our Assistant Engineers to better understand the challenges that those with disabilities face when using our systems.

MaineDOT's ADA Coordinator, the Bike and Pedestrian Coordinator and members of the Civil Rights team attend meetings and events to assist in educating people about ADA accessibility on Maine's highway infrastructure.

MaineDOT ADA Program Website

In 2018, MaineDOT improved its ADA webpage. Due to public comments received indicating that the ADA website was difficult to find and use, we have updated the ADA website to be a stand-alone webpage that is more focused on users including

the public, internal users, engineers, designers, contractors, municipalities and sub-recipients. The website provides information on MaineDOT's Transition Plan, our inventory process as well as resources and information on policies and standards.

We have provided an interactive webpage to receive comments on this Transition Plan and anticipate an interactive ADA inventory page. The webpage can be found at: <https://www1.maine.gov/mdot/civilrights/ada/>

MaineDOT also has its Curb Ramp Inventory on the website, the inventory can be searched by either town and/or intersection. The website offers the public, designers and consultants an opportunity to click on a particular curb ramp on our system and access compliance information and location on our internal and external MapViewer. As noted above, this information will be updated annually to provide information on curb ramps as we move forward with our data collection.

As other inventories referenced in this Plan are collected, they will be uploaded on the website for the public to access.

Since the initial public outreach process, we have received suggestions to make the complaint process and form more visible on the webpage. We addressed this by placing complaint information in its own section on the website entitled "Citizens Rights – Filing a Complaint."

Heads-Up Pedestrian Safety Initiative

Maine has seen an increase in pedestrian crashes and pedestrian deaths in recent years. In 2016, the MaineDOT developed a strategic plan to address this increase and has developed a strategy to look at ways to mitigate areas where pedestrian safety is an issue.

One of the key areas that the Heads-up plan focuses on is public input and outreach to 21 identified communities in Maine to gain local perspective on pedestrian concerns in these communities. These towns were selected due to their higher than average incidents of pedestrian crashes. Residents, users, local pedestrian and disability advocates, municipal officers, police and public works officials are invited to attend the forums. The forums ask residents to locate areas in their communities that they feel are the most unsafe and inaccessible. From these locations, the participants prioritize these areas. This exercise provides information to the Department and the municipalities on areas where the community is determining the high impact areas.

This information is then collected and will be part of the MaineDOT's prioritization of pedestrian facility candidates. The locations identified are areas where accessibility, visibility and safety intersect with the most users. The location information collected from these forums that are within MaineDOT's jurisdiction will be compared with inventory data and may become candidates for ADA improvements if warranted.

MaineDOT is piloting a program to develop strategies to support hard to reach and vulnerable populations, including the elderly, homeless, and disabled individuals, to gain a better understanding of how our system impacts these users and get direct

information regarding the challenges that they face while utilizing our system. This project will seek to identify opportunities within the community to improve pedestrian safety through infrastructure changes/improvements on the local and state roadway systems. One target pilot community will focus on people with disabilities and the elderly. In doing this we hope to develop processes for including even more individuals for input on improving the transportation infrastructure for vulnerable populations.

Training

Training is a major component in MaineDOT's continued commitment to ADA compliance on our highways, bridges and public facilities. Training our workforce, consultant designers, contractors and subrecipients and municipal staff is ongoing.

Twice a year MaineDOT offers training to municipalities and their consultants working on MaineDOT Locally Administered Projects. They are required to complete this training to qualify for funding. This training is offered in a variety of topic areas. ADA compliance is one of these topic areas where we address both infrastructure compliance and work zone compliance.

Each year MaineDOT trains its staff and contract staff on documentation and project management. ADA training is also included as a module in that training and each year we provide more information on what is expected.

In Spring 2019 an ADA presentation was developed for Senior Management to update Sr. Managers and the new Governor's administration on ADA developments, processes and challenges the Department has and will undertake in the coming months and years.

As MaineDOT work to complete our inventory collection process we will provide training on our ArcGIS map and APP and have both training sessions and on-site guidance. We have offered training to public works officials in the past and hope to do so more frequently. We are also developing trainings for consultant designers and contractors to provide more details on how to design ADA compliant pedestrian projects and how to retrofit projects in the field.

Complaint Process for Title II of the Americans with Disabilities Act of 1990

Title II of the Americans with Disabilities Act of 1990 (ADA) protects qualified individuals with a disability from discrimination on the basis of that disability in the services, programs, or activities of the Maine Department of Transportation (MaineDOT). This notice is posted to inform the public of the provisions of Title II of the ADA and the requirements of the federal ADA regulations.

Complaint Procedure: The MaineDOT does not discriminate against qualified individuals with a disability in its services, programs or activities. Also, qualified individuals with a disability are not excluded from participation in or denied the benefits of the services, programs, or activities of the MaineDOT. If an individual has a complaint under Title II of the ADA about the services, programs or activities of the MaineDOT, he or she is encouraged to file the complaint with the ADA Title II Coordinator.

How to file a Complaint

The procedure to file a Complaint is as follows:

1. A formal written Complaint should be filed with the ADA Title II Coordinator. If you are unable to provide a written statement an oral complaint can be filed by contacting ADA Title II Coordinator. Under the complaint Procedure, a formal complaint must be filed within 180 calendar days of the alleged occurrence using the form below or other methods. Additionally, individuals filing a complaint are not required to file a complaint with MaineDOT but may instead exercise their right to file a complaint with the Department of Justice. The complaint must include the following information:
 - The name, address, and telephone number of the person filing the complaint.
 - The name, address, and telephone number of the person alleging ADA violation, if other than the person filing the complaint.
 - A description and location of the alleged violation and the remedy sought.
 - Information regarding whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court.
 - If a complaint has been filed, the name of the agency or court where the complaint was filed, and the date the complaint was filed.
2. The complaint will be either responded to or acknowledged within 10 working days of receipt. If the complaint filed does not concern a MaineDOT facility, it will be forwarded to the appropriate agency and the grievant will be notified.
3. Within 60 calendar days of receipt, the ADA Title II Coordinator will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, ADA Title II Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach a resolution of the complaint. Any

resolution of the complaint will be documented in the MaineDOT's ADA Complaint File.

4. If a resolution of the complaint is not reached, a written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by ADA Title II Coordinator and a copy forwarded to the grievant no later than 90 days from the date of the MaineDOT's receipt of the complaint.
5. If the grievant is dissatisfied with MaineDOT's handling of the complaint at any stage of the process or does not wish to file a complaint through the MaineDOT's ADA complaint Procedure, the grievant may file a complaint directly with the United States Department of Justice at https://www.ada.gov/filing_complaint.htm other appropriate state or federal agency.

The resolution of any specific complaint will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the MaineDOT. Accordingly, the resolution by the MaineDOT of any one complaint does not constitute a precedent upon which the MaineDOT is bound or upon which other complaining parties may rely.

File Maintenance: The MaineDOT's ADA Title II Coordinator shall maintain ADA complaint files for a period of three years.

Submit all inquiries and complaints to:

Theresa Savoy, ADA Title II Coordinator
Director, Special Projects
Maine Department of Transportation
SHS 16
Augusta, Maine 04333

Phone: 207-624-3238
E-mail: theresa.savoy@maine.gov
TTY: Users dial Maine RELAY 711

Maine Department of Transportation
External ADA/Section 504 Complaint Form

Name of Person filing Complaint	Name of Person alleging violation (if different from person filing complaint)	
Phone	Phone	
Address	Address	
City, State, Zip	City, State, Zip	
Has complaint been filed with another Agency? Name of Agency		Date of Alleged Discrimination
Location of the alleged violation		What Remedy are you requesting?
<p>Explain as briefly and clearly as possible the nature of the violation. Was the alleged violation a physical barrier to a facility (sidewalk, building, transit stop, public transportation, etc.)? How You Were Discriminated Against? Were other individuals involved? <i>Please indicate who was involved.</i> You may also attach any material pertaining to your case (photographs, drawings, video)</p>		
Signature		Date

Please Mail Complaint to:

Theresa Savoy
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333-0016
e-mail: Theresa.savoy@maine.gov
Or Call (207) 624- 3238 or TYY Relay 711

Conclusion

The MaineDOT is committed to ensuring that our system is accessible to those with disabilities. We have a long history of providing for the needs of all modes of travel in the planning, programming, design, rehabilitation, maintenance, and construction of the state's transportation system. In partnership with municipalities, Metropolitan Planning Organizations, Regional Planning Organizations, Federal Highway Administration and other federal agencies, stakeholders, the public, particularly those with disabilities, MaineDOT will continue to develop and implement a safe, comprehensive transportation system that balances the needs of all users.

APPENDICES

1. Appendix I State DOT Transition Plan Attributes Review Guide	ii
2. Appendix I ADA Transition Plan Team Charter	iii
3. Appendix II Highway Safety/Mobility Committee Charter	vii

Appendix I

State DOT Transition Plan Attributes Review Guide: All Elements posted conspicuously on website, for internal and external use	
Transition Plan Attribute	Review Comments
Official responsible for implementation of the TP, i.e., Executive Director, Secretary, Commissioner, Chief Engineer, etc. 28 CFR 35.150(d)(3)(iv)	
Inventory of barriers (identification of physical obstacles) 28 CFR 35.150(d)(3)(i); 28 CFR 35.105 (a) – State demonstrates 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. Require an Action Plan to develop an inventory of sidewalks (slopes, obstructions, protruding objects, changes in levels, etc.), signals (APS), bus stops (bus pads), buildings, parking, rest areas (tourist areas, picnic areas, visitor centers, etc.), mixed use trails, linkages to transit. Best practice - have discussion of jurisdictional issues/responsibilities for sidewalks	
Schedule – Show 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) Best practice - dedicate resources to eliminate identified ADA deficiencies	
Describe in detail the Methods that will be used to make the facilities accessible. 28 CFR 35.150(d)(3)(ii) Best practice – include the Standard that the STA is following (i.e., 2010 ADAAG, 2011 PROWAG)	
Other ADA Requirements	Review Comments
Public Involvement – 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)	
ADA policy statement is a requirement of State Agencies, but does not have to be in the TP per se, but it is a good practice and needs to be easily accessible by the public. 28 CFR 35.106 Best practice - post conspicuously on website, for internal and external use	
Clear identification of the ADA Coordinator (dedicated trained staff) with contact information (i.e., name, office address, telephone number, email address, fax number) 28 CFR 35.107(a)	
Clear Complaint/Grievance Process to receive and address complaints/grievances from the public (is a requirement of State Agencies, but does not have to be in the TP per se, but it is a good practice and needs to be easily accessible by the public). 28 CFR 35.107(b)	
REVIEWER:	DATE:

ADA Transition Plan Team Charter

The MaineDOT is currently developing an ADA Transition Plan for the Federal Highway Administration. The Plan is designed to provide processes for identifying and ensuring that our highway and bridge system is compliant with ADA laws. This will require an agency wide approach in which the Agency will work together to create a system where users of all abilities are assured access. The Team members will represent various agency units integral to the Plan and will work together and in groups to ensure that the requirements of the Plan are met and completed on time. The Plan is a living document that will need to be updated overtime as barriers to accessibility are eliminated and where new information is processed.

Team Purpose

This team will work towards developing needed aspects of the required ADA Transition Plan to be completed by September 30, 2016. It will also develop long term processes for deliverables from the plan and will determine how the Plan is implemented and how it will ensure that the MaineDOT is meeting its commitments to ensuring accessibility on its transportation system. The Team will assess the need to continue after that date, based on the processes created by the Plan.

Duration and Time Commitment

The team will work until September 30, 2016. To utilize our time there should be subcommittees created that will work on particular aspects of the plan. The team will develop a timeline to ensure that work is being completed.

Members (Suggested)

Joyce Taylor
Theresa Savoy
Nate Kane
Sam Krajewski
Brad Foley
Attlee Mousseau
Brian Burne
Steve Hunnewell
Scott Rollins
Patrick Adams

Desired Outcomes

1. A completed ADA Transition Plan with processes and protocols for moving forward in the assessment of MaineDOT infrastructure; and
2. A process to capture ADA barriers from the public and ADA improvements on a yearly basis; and
3. An institutional process for identifying, documenting and updating our facilities moving forward.

Deliverables

Deliverables are listed below and are required by FHWA guidance. To provide some organization, there was an attempt to match some deliverable to various areas of the agency. These are suggested as a starting point and open to discussion.

Agency-wide Decisions

Schedule

Need to create a schedule for:

1. inventory
2. fixing the deficiencies

Inventory – need to create schedule and process for completion

- a) Curb ramps GIS inventory (complete 2015)
- b) Midblock crossings
- c) Transit stops
- d) APS
- e) Rest areas
- f) Park and Rides
- g) Sidewalks (RPOs and MPOs?)
- h) Ferry terminals and parking lots

Schedule for upgrades

- a) STIP/Work Plan
- b) Annual review of projects
- c) Input from public
- d) Possible ADA/Pedestrian fund \$200,000.00?

Official Responsible

Chief Engineer

Policies Review and Incorporation

ADA Policy

Crosswalk Policy

Developing process for review of crosswalk anomalies

- How do we develop that process?
- Who is integral to that process?

Complete Streets Policy

Municipal MOA's

Standard Details

Funding Mechanism for high priority projects (Executive)

RPO/MPO data collection and public participation process (Planning)

- What is our best use of RPOs and MPOs
- How will we train them?
- How will we ensure consistency?
- How will we gather data?
- Crowd sourcing?

Work Plan integration and Projex

- How will we integrate that

Data management and integration (RIO)

Project upgrades and design work (Project Development/M&O and RIO)

- Process for reviewing upcoming work
- Process for ensuring the information is kept current?
- Process for updating the inventory?

Methods used as standards

- 2011 PROWAG?
- PDR and Standard Details
- Process for municipal review/LAP review
- Traffic signals (MUTCD)

Public Participation (Planning, Creative Services)

- Database availability
- Stakeholder participation
- Website information
- RPO/MPO participation
- My Sidewalk/crowd sourcing?

Schedule

Need to create a schedule for:

1. inventory
2. fixing the deficiencies

Inventory – need to create schedule and process for completion

- a) Curb ramps GIS inventory (complete 2015)
- b) Midblock crossings
- c) Transit Stops
- d) APS
- e) Rest areas
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- h) Ferry terminals and parking lots

Schedule for upgrades

- a) STIP/Work Plan
- b) Annual review of projects
- c) Input from public
- d) Possible ADA/Pedestrian fund?

Appendix III

Highway Safety/Mobility Committee Charter Maine Department of Transportation

Sponsors: Joyce Noel Taylor, Chief Engineer
David Bernhardt, Director of Maintenance of Operations

Mission: To ensure that highway safety priorities, policies and strategic initiatives are developed and implemented consistently internally across all Bureaus, as well as externally with key strategic safety partners. Set targets and measure the results of MaineDOT's strategic safety initiatives to ensure our customers receive the maximum safety benefit.

Team Members:

Stephen Landry- State Traffic Engineer
– (Co-Chair)
Robert Skehan – Safety Office Director-
(Co-Chair)
Shawn MacDonald – Crash Records
Supervisor
Dennis Emidy - Highway Safety
Engineer
Ed Hanscom – Transportation
Analysis Engineer
Andrew Allen - Assistant Traffic Engineer Region 4
Theresa Savoy – ADA Coordinator
Steven Hunnewell – ITS Engineer
Patrick Adams – Region Transportation Planner
Ben Condon – Program Development Manager

Background: Maine's Strategic Highway Safety Plan is the backbone for setting Maine's overall safety goal of "driving safety performance towards zero deaths". Key stakeholders have been working together to implement the action plans identified related to enforcement, education, emergency response and engineering. The accuracy and consistency of crash data has improved, the data has been analyzed and shared with stakeholders and utilized to establish federal and state performance measures.

The Department is well positioned to ensure that consistent, well defined Department initiatives are implemented, analyzed and measured in a systemic approach to highway safety. The systemic approach does not replace the site analysis approach. It is a complementary technique intended to supplement and focus on highway features, providing a more comprehensive and proactive approach to safety management efforts. The systemic approach aims to reduce the risk of and the potential for the occurrence of future crashes and the initiatives that result would be utilized in specific site analysis and improvement. The systemic approach to safety involves improvements that are widely implemented based on high-risk roadway features correlated with particular severe crash types. Because these crashes are not evenly distributed across the many miles of rural roadways, it is often difficult to isolate high-crash locations for safety improvements.

The Department is also embarking on an extensive effort to ensure accessibility for all citizens.

Americans with Disabilities Act (ADA) improvements are an integral part of pedestrian safety and mobility. Each year MaineDOT allocates \$500,000.00 for ADA improvements outside of regularly programed projects. The addition of ADA accessibility within the Department's Highway Safety and Mobility committee ensures the inclusion of pedestrian infrastructure improvements as they relate to individuals with disabilities is a systematic approach to accessibility and safety.

Roles and Responsibilities:

The Committee will:

- Define highway safety roles and responsibilities
 - Ensure the Department is implementing a systemic approach to highway safety by:
 - improving safety planning processes;
 - determining a balance between spot and systemic safety improvements
 - incorporating systematic improvements in many capital and maintenance improvements;
 - improving ADA accessibility.
 - determining the optimum use of how to integrate the HSM and ADA funding;
 - utilizing analytical techniques for quantifying the benefits of a systemic safety program.
-
- Utilize the Strategic Highway Safety Plan and a data driven, systemic process to determine statewide highway safety priorities. Ensure implementation, analyze data and communicate results on an annual basis.

Resources

When necessary, department resources will be made available to advise the committee on specific issues.

Time line and Reports

The first set of recommendations will be presented to the Core Team in June of 2019, so that they are incorporated in the CY 20-21-22 Work Plan. Then reports shall be made to the Core Team annually, on the effectiveness of the initiatives and on any new or modified initiatives for the next Work Plan.