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Secretary of Transportation

Date

Equal Access for Persons With Disabilities

I. Introduction

A. Purpose

The purpose of this Secretary's Executive Order is to affirm the Washington State Department of Transportation's (WSDOT) commitment to provide equal access in its programs, services, and activities for persons with disabilities.

B. Supersession

This Secretary's Executive Order supersedes and replaces the prior version with the same title dated May 28, 2010. All references to the superseded E 1069.00 now reference E 1069.01.

C. What Has Changed

- In Section II, requirements were added regarding effective communication methods and standards.
- In Section III, definitions were added for auxiliary aids and services and for effective communication.
- In Section IV, the position title ADA Compliance Manager was changed to Diversity/ADA Compliance Manager.
- Section V was added.
- In Section VI.A, 49 CFR Part 39 was added to the references.
- Formatting was updated to meet department document standards.

II. Secretary's Executive Order

WSDOT employees are directed to provide equal access and nondiscrimination in all of its programs, services, and activities. No individual with a disability shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of the department's programs, services, or activities, in accordance with:

- *Americans with Disabilities Act of 1990 (ADA)*, as amended.
- Section 504 and 508 of the Rehabilitation Act of 1973, as amended.
- [Revised Code of Washington \(RCW\) 49.60](#) *Discrimination – human rights commission*.

ADA compliance applies to all WSDOT platforms for communicating to and with the public, regions, divisions, services, public use facilities, pedestrian facilities and programs regardless of the funding source. In the case of existing pedestrian facilities, accessibility shall be provided to the maximum extent feasible. For existing public use facilities, WSDOT shall make its programs accessible to people with disabilities, not necessarily each facility or all parts of a facility. Lastly, as it relates to communicating with the public, WSDOT will make every effort to use effective communication methods as it relates to its utilization of all written, verbal and electronic platforms. Effective Communication standards will be implemented by the WSDOT Communicators within each region or division and managed in consultation with the WSDOT Diversity ADA/Affairs Team. All other equal access provisions will be addressed by the WSDOT Diversity/ADA Affairs Team and individual divisional staff.

III. Definitions

Alteration – A change to a facility that affects or could affect the usability of said facility or any part thereof. Alterations include but are not limited to renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, or changes or rearrangement of structural parts or elements of a facility.

Auxiliary Aids and Services – Devices or services that enable effective communication for people with disabilities. This can include (but is not limited to): qualified interpreters, screen readers, computer-aided real-time transcription (CART), written materials, assistive listening devices, hearing-aid compatible telephones, speech synthesizers, text telephones (TTYs), closed caption decoders, open or closed captioning, video interpreting services, description of visually presented materials, video relay, email, text messaging, instant messaging, qualified readers, assistance filling out forms, Brailed materials, large print materials.

Disability – The presence of a sensory, mental, or physical impairment that (1) is medically cognizable or diagnosable, (2) exists as a record or history, or (3) is perceived to exist whether or not it exists in fact. A disability exists whether it is temporary or permanent, common or uncommon, or mitigated or unmitigated.

Effective Communication – Written and verbal communication must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.

Equal Access – The opportunity to fully participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations.

Maximum Extent Feasible – The occasional case where the nature of an existing pedestrian facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible.

IV. Information to Carry Out This Policy

A. Diversity/ADA Compliance Manager

The Diversity/ADA Compliance Manager is responsible for managing the department's external ADA/504 Compliance Program. Many of the day-to-day activities regarding external ADA compliance are to be handled individually by each organization within WSDOT.

B. Executive Responsibilities

Each executive must participate in the external ADA compliance program. This includes providing necessary input and resources for carrying out the agency's ADA/504 transition plan. Executives are directed to participate in ADA compliance activities in accordance with this Secretary's Executive Order and the ADA/504 Compliance Program.

V. Contact for More Information

For questions or concerns about this Secretary's Executive Order, contact the Diversity/ADA Affairs Team by phone at 855-362-4ADA, or visit the Diversity/ADA Affairs web page, www.wsdot.wa.gov/accessibility.

VI. References

A. Federal Codes

- *Americans with Disabilities Act of 1990 (ADA)* (42 USC § 12101 et seq.) (28 Code of Federal Regulations [CFR] Part 36, Appendix A, as revised July 1, 1994)
- 29 U.S.C. 794d, as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998, Section 508 of the Rehabilitation Act
- 23 CFR Part 652 *Pedestrian and Bicycle Accommodations and Projects*
- 28 CFR Part 35 *Nondiscrimination on the Basis of Disability in State and Local Government Services*
- 49 CFR Part 27 *Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance* (Authority: Section 504 of *The Rehabilitation Act of 1973*, as amended 29 USC § 794)
- 49 CFR Part 39 *Transportation for Individuals with Disabilities: Passenger Vessels*

B. State Law

- RCW 35.68 *Sidewalks, gutters, curbs and driveways – all cities and towns*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=35.68>
- RCW 35.78 *Streets – classification and design standards*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=35.78>
- RCW 46.04.160 *Crosswalk*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.04.160>
- RCW 46.61.235 *Crosswalks*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.61.235>
- RCW 46.61.240 *Crossing at other than crosswalks*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.61.240>
- RCW 46.61.261 *Sidewalks, crosswalks – Pedestrians, bicycles*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.61.261>
- RCW 47.24.010 *City streets as part of state highways, Designation – Construction, maintenance – Return to city or town*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=47.24.010>
- RCW 47.24.020 *Jurisdiction, control*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=47.24.020>
- RCW 47.30.030 *Facilities for nonmotorized traffic – Expenditure of available funds*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=47.30.030>
- RCW 47.30.050 *Expenditures for paths and trails – Minimum amount*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=47.30.050>
- RCW 49.60 *Discrimination – human rights commission*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=49.60>
- WAC 51-50 *State building code adoption and amendment of the 2009 edition of the international building code*
<http://apps.leg.wa.gov/wac/default.aspx?cite=51-50>

C. Department Manuals and Publications

- *Manual on Uniform Traffic Control Devices*
www.wsdot.wa.gov/publications/manuals/mutcd.htm
- *Pedestrian Facilities Guidebook: Incorporating Pedestrians Into Washington's Transportation System*, WSDOT, Puget Sound Regional Council, County Road Administration Board, Association of Washington Cities, 1997
www.wsdot.wa.gov/publications/manuals/fulltext/m0000/pedfacgb.pdf
- *Roadside Manual M 25-30* www.wsdot.wa.gov/publications/manuals/m25-30.htm
- *Standard Plans M 21-01* www.wsdot.wa.gov/publications/manuals/m21-01.htm
- *Understanding Flexibility in Transportation Design* – Washington, 2005
www.wsdot.wa.gov/research/reports/600/638.1.htm

D. Guidance

- *ADA Best Practices Tool Kit for State and Local Governments General Effective Communication Requirements Under Title II of the ADA*
www.ada.gov/pcatoolkit/chap3toolkit.htm
- *A Policy on Geometric Design of Highways and Streets (Green Book)*, AASHTO
https://bookstore.transportation.org/item_details.aspx?id=110
- *Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines (ADAAG)*, US Access Board, July 23, 2004
www.wbdg.org/ccb/astand/ada_aba.pdf
- *Design Guidance, Accommodating Bicycle and Pedestrian Travel: A Recommended Approach, A USDOT Policy Statement Integrating Bicycling and Walking into Transportation Infrastructure*, FHWA, 2001
www.fhwa.dot.gov/environment/bikeped/design.htm
- *Designing Sidewalks and Trails for Access – Parts I & II*, USDOT, FHWA, 2001
www.fhwa.dot.gov/environment/bikeped/publications.htm
- *Highway Capacity Manual*, Transportation Research Board (TRB), 2000
www.trb.org/main/public/blurbs/152169.aspx
- *Guide for the Planning, Design, and Operation of Pedestrian Facilities*, AASHTO, 2004. Provides guidance on the planning, design, and operation of pedestrian facilities along streets and highways
https://bookstore.transportation.org/item_details.aspx?id=119
- *Pedestrian Facilities Users Guide – Providing Safety and Mobility*, FHWA, 2002
http://drusilla.hsrc.unc.edu/cms/downloads/PedFacility_UserGuide2002.pdf
- *Revised Draft Guidelines for Accessible Public Rights-of-Way*, US Access Board, November 23, 2005
www.access-board.gov/prowac/draft.htm
- *Special Report: Accessible Public Rights-of-Way Planning and Design for Alterations*, US Access Board, Washington D.C., 2007
www.access-board.gov/prowac/alterations/guide.htm
- *Revised Draft Passenger Vessel Accessibility Guidelines*, US Access Board, June 26, 2008
www.access-board.gov/pvaac/pvag-draft-2008.htm
- *ADA and ABA Accessibility Guidelines for Buildings and Facilities*, US Access Board, August 5, 2005
www.access-board.gov/ada-aba/final.cfm

VII. Review and Update Requirements

When changes are necessary to update this document, please inform the Chief of Staff. The Chief of Staff periodically reviews this document and proposes updates to the Secretary of Transportation for approval.

Americans with Disabilities Act (ADA) Information

Materials can be provided in alternative formats by calling the ADA Compliance Program at 855-362-4ADA. Persons who are deaf or hard of hearing may contact that number via the Washington Relay Service at 711.