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 All references to the superseded E 1069.00 now reference E 1069.01.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](http://www.wsdot.wa.gov/accessibility).

VI. References

**A. Federal Codes**

- 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 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
- 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
- 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

C. Department Manuals and Publications

- Manual on Uniform Traffic Control Devices
  www.wsdot.wa.gov/publications/manuals/mutcd.htm
  www.wsdot.wa.gov/publications/manuals/fulltext/m0000/pedfacgb.pdf
- 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/pctoolkit/chap3toolkit.htm

- **A Policy on Geometric Design of Highways and Streets (Green Book), AASHTO**
  https://bookstore.transportation.org/item_details.aspx?id=110

  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**


- **Pedestrian Facilities Users Guide – Providing Safety and Mobility, FHWA, 2002**

  www.access-board.gov/prowac/draft.htm

  www.access-board.gov/prowac/alterations/guide.htm

  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.