

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
AMERICANS WITH DISABILITIES ACT  
2010 SELF-ASSESSMENT & TRANSITION PLAN

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**I. INTRODUCTION**

**A. BACKGROUND**

The American with Disabilities Act of 1990 (hereinafter referred to as the Act), enacted on July 26, 1990, provides comprehensive civil rights protection to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications. The Act is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This civil rights legislation mandates that qualified individuals with disabilities shall not be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity. The Act also provides employees with disabilities certain protections and requires employers to make reasonable accommodations for applicants and employees with disabilities. There are five separate Titles (sections) of the Act relating to different aspects of potential discrimination. The five titles are listed below:

1. Title I – Employment
2. Title II – Public Services and Transportation
3. Title III – Public Accommodations
4. Title IV – Telecommunications
5. Title V - Miscellaneous

North Carolina Department of Transportation’s (hereinafter referred to as NCDOT) Self-Assessment & Transition Plan addresses Title I, Title II and Title IV.

Title I of the Act states that a covered entity shall not discriminate against a qualified individual with a disability. This applies to job application procedures, hiring, advancement and discharge of employees, workers’ compensation, job training, and other terms, conditions and privileges of employment.

During pre-employment interviews public entities may ask about an applicant’s ability to perform the essential functions of the position, but may not ask whether the applicant is disabled. Reasonable accommodations must be made to applicants or employees known to have disabilities, unless it can be shown that the accommodation would impose an “undue hardship” on the operation of the business. Reasonable accommodation includes 1) acquiring or modifying equipment, 2) job restructuring, 3) part-time or modified work schedules, 4) providing

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readers or interpreters, and 5) making the workplace accessible to and usable by individuals with disabilities.

Title II of the Act prohibits disability discrimination by all public entities at the local, state and federal level. Public entities must comply with Title II regulations. The U.S. Department of Justice specifically addresses the subject of making public services and public transportation accessible to those with disabilities. In order to accomplish this, the U.S. Department of Justice developed regulations requiring public entities to conduct a self-evaluation of the accessibility of its programs, services and activities to determine whether issues of accessibility could be addressed through changes in the way such programs, services and activities are provided.

Program accessibility must be provided to the disabled. Public entities may provide program accessibility in the following ways 1) structural changes to existing facilities, 2) construction of additional facilities, 3) redesign of equipment, 4) assignment of aids to beneficiaries, and 5) provision of services at alternate accessible sites.

Title IV of the Act, enforced by the Federal Communications Commission, requires telephone companies to develop telecommunications relay services (TRS) and telecommunications devices for the deaf (TDD). NCDOT must ensure that its programs, services, and activities are compatible with those systems.

## **B. PRIOR PLANS AND REPORTS**

The 2010 Self-Assessment & Transition Plan serves as a replacement to the Transition Plan published in July of 1992 and the Self-Assessment Report published in January of 1993. Periodic reviews were conducted to track compliant activities in accordance with ADA and section 504 of the Rehabilitation Act of 1973.

## **C. DEPARTMENT POLICIES**

**1. Program Facilities.** The Department of Transportation supports the Americans with Disabilities Act. Where possible, the Department will provide direct access to programs maintained and developed by work units in the organization. Direct access means that facilities will meet the ADA standards to enable individuals with disabilities access and provide an integrated environment for the disabled. Programs serving the general public at facilities will comply with the ADA standards. These programs include:

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Rest Areas and Welcome Centers  
Drivers License Offices  
Vehicle Registration Branch Offices  
Ferry Operations  
Aviation Operations  
Rail Operations  
Public Transportation  
Sidewalks located on the State system  
Signalized intersections with sidewalks on the State system

Programs requiring access by business, commercial, and other interests as well as the general public may require some alterations to facilities for complying with the ADA standards. These programs include:

Raleigh Office Buildings  
Highway Division Office  
Highway District Office  
Ferry Division Office

Programs that normally do not allow access to the general public, but occasionally have commercial or other limited access will not need to upgrade facilities, but may need to make accommodations for individuals with disabilities. These programs include:

County Maintenance Yards  
Bridge Maintenance Yards  
Ferry Maintenance Yards  
Highway Resident Engineer Offices  
Traffic Services Facilities  
Landscape Facilities  
Highway Equipment Sub shops  
DMV License & Theft Enforcement Offices  
Right of Way Offices  
Highway Patrol Facilities  
Division Equipment  
Materials and Test

**2. Modification of Existing Facilities.** Existing facilities requiring modifications will use the Uniform Federal Accessibility Standards (UFAS). The General Services Section in the past has worked with the Division of Administration, Division of Highways, and Division of Motor Vehicles management teams to ascertain the priorities for individual buildings. The budget for the modifications of facilities is typically requested as capital projects in the long session of the legislature.

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**3. New Construction.** All new construction will be designed to meet ADA standards. Construction of new facilities will meet or exceed the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and comply with the 2002 North Carolina State Building Code. The NCDOT General Services Division, in conjunction with the North Carolina Department of State Construction Office, is typically responsible for insuring that all new construction meets these standards.

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**II. SELF-ASSESSMENT SURVEY**

**A. SELF-ASSESSMENT PLAN**

**1. General.** The plan will include the following:

- a) A policy statement that included non-discrimination in employment or access to programs, and name, title, address, and contact information for the ADA/504 Manager.
- b) Complete a current self-assessment of current services, policies, and practices to ensure program accessibility. This self-assessment shall include internal activities and those of sub-recipients.
- c) Develop a periodic review program.
- d) Review of existing Grievance Procedure.
- e) Development of both electronic and paper records of ADA requests for accommodation, complaints, and results.
- f) Develop a plan to involve interested citizens in both the self-assessment and transition plans.

**2. Title I, Employment.** Plan to include:

- a) Review all programs, policies, and practices related to employment.
- b) Develop a training program for employees and managers on ADA issues.
- c) Develop a training program for designers and planners.
- d) Develop a procedure for employees to request accommodation to internal programs.

**3. Title II, Public Services and Transportation.** Plan to include:

- a) Develop and implement a plan to review all structural modifications needed to make all programs accessible. Included in this plan is an implementation timetable and budgeted costs.

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b) Develop procedures for non-employees to request accommodations to department programs.

c) Review all sidewalk and curb cuts on the state owned/maintained network to identify missing barriers to the safe navigation of sidewalks. Included is a timetable and budgeted costs for modifications.

**4. Title IV, Telecommunications.** Plan to include:

a) Does the Department have methods to inform the public of auxiliary aids available on request?

b) Do Department announcements inform citizens that those aids will be made available to those who request them?

c) Ensure that the DOT web site is accessible to both vision and hearing impairments.

d) Ensure that the DOT Help Desk and 511 services are accessible by TTY devices or other methods.



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**B. FACILITIES/BUILDING SURVEY**

The Department of Transportation is responsible to survey and inventory buildings, parking lots, crosswalks, curb cuts, and public transportation services, and subsequently develops a report to comply with ADA. This report is known as the "self assessment." All buildings owned, leased, donated, or contracted by the departments were surveyed in 2009 and 2010. A survey inspection form was developed by the ADA manager who also provided training to its users. The 2009-2010 self-assessments were confined to facility inspections. The Transition Plan will identify a list of NCDOT facilities, totally compliant ADA facilities, non-compliant facilities and type(s) of non-compliant deficiencies, and compliance cost. The Transition Plan will also include a statement as to future inspections of crosswalks, curb cuts, and transportation services scheduled for FFY 2010.

Teams from the Highway Divisions surveyed all DOH buildings (leased and owned) within their division boundaries. A team from General Services surveyed all owned buildings utilized by Division of Motor Vehicles personnel and all administrative buildings in DOT. A Vehicle Registration team surveyed all Branch Agent buildings contracted by the state to sell license tags. A team from the Driver License Section surveyed all donated and leased buildings used in driver license issuance. These teams surveyed 1) adjacent and non-adjacent parking lot areas, 2) building access routes, 4) building entrances, and 5) interior of the buildings. All areas were reviewed for compliance standards using the Uniform Federal Accessibility Standards. The survey inspection forms were returned to the ADA Manager where the information was compiled into a data base spreadsheet for each facility.

The summary of facilities and programs to be inspected and those that required no inspection included:

1. Division of Highways	
County Maintenance Offices (no access)	94
District Offices (full access, low traffic)	38
Division Equipment Offices (no access)	14
Division Offices (full access, medium traffic)	19
Division Right of Way Offices (full access, medium traffic)	14
Division Traffic Services (no access)	14
Interstate Rest Areas (full access, high traffic)	30
Primary Rest Areas (full access, high traffic)	19
NC Route Rest Areas (full access, high traffic)	1

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State Welcome Centers (full access, high traffic)	8
Resident Engineer Offices (no access)	48
2. Division of Motor Vehicles	
Contract Tag Agencies (access, high traffic)	129
Driver License Offices (donated space, access, medium traffic)	53
Driver License Offices (leased space, full access, high traffic)	26
Driver License Offices (state owned, full access, high traffic)	57
3. General Services (Admin facilities)	
Various Buildings (state owned, full access, medium traffic)	11
Various Buildings (leased space, full access, medium traffic)	2
4. Highway Patrol	
Communications & Logistics (no access)	1
Troop Offices (Co-located with DMV, access, low traffic)	11
Weigh Stations (no access)	12
5. Ferry Division	
Ship Terminals (full access, high traffic)	15
Ferry Ships (specialized access, high traffic)	20
6. Aviation	
Administration Office (leased space, full access, low traffic)	1
Airports (varied ownership, varied access)	25
7. Rail Division	
Rail Maintenance (no access)	1
Passenger Stations (various ownership, full access, high traffic)	16
Rail Cars (state owned, specialized access, medium traffic)	11
8. Public Transportation	
Transit Systems (varied ownership, access, high traffic)	178

**C. PROGRAM ACCESSIBILITY AND FACILITY MODIFICATION**

**1. Facilities.**

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*Program Accessibility* means that the buildings do not need to be altered. The programs can be modified or changed to accommodate individuals to meet ADA requirements.

*Facility Modification* means that the facility does not meet program needs and requires ADA modifications in order to administer the program. The priority for modifying the DOT owned facilities are:

Rest Areas and Welcome Centers  
Driver License/Registration  
Administration Offices  
Division of Highway Division Offices  
Division of Highway District Offices

Space that is leased will require that the rental agreement be modified to include a clause concerning ADA compliance. The same will be true for the contracted Vehicle Registration branch agents. All donated space for Driver License will also need to comply. Failure to do so may require office relocations or closings. ADA compliance is also required of leasers.

## **2. Visual Impairment**

The North Carolina Department of Transportation must ensure that its communications with visually impaired individuals are as effective as communications with others. This obligation, however, does not require any action that would result in a fundamental alteration in the nature of its services, programs, or activities, or in undue financial and administrative burdens. In order to provide equal access, a public accommodation is required to make available appropriate auxiliary aids and services where necessary to ensure effective communication. For individuals with vision impairments, appropriate auxiliary aids include qualified readers, audio recordings, brailled materials, large print materials, taped texts and assistance in locating items.

Documents provided by public entities are subject to the requirement of effective communication. Thus, where a public entity provides information in written form, it must, when requested, make that information available to individuals with vision impairments in a form that is usable by them. "Large print" versions of written documents may be produced on a copier with enlargement capacities. Braille versions of documents produced by computers may be produced with a brailled printer, or audio tapes may be provided for individuals who are unable to read large print or do not use Braille. When an auxiliary aid or service is required, the public entity must provide an opportunity for individuals

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with disabilities to request the auxiliary aids and services of their choice. The public entity must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

### **3. Signs**

Signs designating permanent rooms and spaces (men's and women's rooms; room numbers; exit signs) must have raised and braille letters; must comply with finish and contrast standards; and must be mounted according to current standards above the finished floor. Signs that provide direction to or information about functional spaces of a building ("cafeteria this way"; "copy room") need not comply with requirements for character proportion, finish, and contrast. If suspended or projected overhead, they must also comply with character height requirements. Building directories and other signs providing temporary information (such as current occupant's name) do not have to comply with ADA requirements.

### **4. Hearing and Speech Impaired Program, Telecommunications**

Under the Title IV, Telecommunications Services for Hearing and Speech Disabled, issued August 1, 1991, the North Carolina Department of Transportation supports the federal regulations (in the Federal Register) and rules (in the Code of Federal Regulations, C.F.R.). The Federal Communications Commission is the issuing agency in charge.

The NCDOT supports the ADA, Americans with Disabilities Act of 1990, Title IV Telecommunication, and section 401 of the Communications Act of 1934. Section 401 is the telecommunications relay services for the Hearing-impaired and a speech-impaired individual. Section 225 of the Communications Act requires telephone companies to provide telephone relay services functionally equivalent to the services provided to hearing individuals, and the telephone carriers (engaged in intrastate communication) are permitted to determine how these services are to be delivered. This requirement is designed to overcome the limitations of the telecommunications devices for the deaf (TDD's), which can only communicate with other TDD users. The resulting gap in service precludes TDD users from calling friends, family, businesses or employers who do not have TDD's. The Federal Communications Commission is responsible for enforcing Title IV to ensure that telecommunications relay services are provided nationwide.

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A public accommodation must provide auxiliary aids and services to disabled people if necessary for the disabled person to use the entity's goods and service. "Auxiliary aids and services" include: 1) qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assisting listening devices and systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; 2) acquisition or modification of equipment or devices; and 3) other similar services and actions. Telecommunications devices for the deaf (TDD) and telecommunications relay services will be required by the Department of Transportation to provide access to some of our programs. Some program examples where TDD's or relay services may be required are:

- a) Division of Motor Vehicles phone banks
- b) Permits Unit phone banks
- c) Highway Building Switchboard
- d) Commissioner's Office
- e) Citizens Affairs Office

Some programs where complaints may be registered, but may not need a TDD, could use a telecommunications relay service. Some program examples are:

- a) County Maintenance Yards
- b) Bridge Maintenance Yards
- c) Traffic Services Units
- d) Emergency Management

These are a few programs where auxiliary aids and services will be provided as alternatives to allow access to our programs.

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**D. FACILITY STANDARDS**

There are numerous building and pedestrian standards that apply to the ADA program. State and local government along with the federal government all have a role in building standards. The federal government, NC Department of Transportation, and AASHTO (American Association of State Highway and Transportation Officials) have a role in pedestrian facilities located along the federal, state, and local highway/road system.

Documents related to building and pedestrian standards include:

*ADA Accessibility Guidelines (ADAAG)*, United States Access Board

*Guide for the Planning, Design, and Operation of Pedestrian Facilities*,  
American Association of State Highway and Transportation Officials

*Manual on Uniform Traffic Control Devices (MUTCD)*, Federal Highway  
Administration

*Highway Design Standards*, North Carolina Department of Transportation

*North Carolina State Building Code*, North Carolina Department of Insurance

*Uniform Federal Accessibility Standards (UFAS)*, United States Access Board

**E. FACILITIES INSPECTED IN 2009.** During calendar year 2009 a total of 389 facilities were inspected according to the plan using NCDOT developed worksheets.

**F. FACILITIES INSPECTED IN 2010.** So far during 2010 a total of 18 inspections have been made. It is expected that the remaining 29 locations to be completed by June 30, 2010. The ferry vessels, rail cars, rail stations, and airports are also scheduled for completion during the year.

**G. TYPES OF INSPECTIONS**

1. Standard Facilities Checklist. Full inspection of public access buildings with checklist modified from the Access Board version. (473 inspections)
2. Modified Facilities Checklist. Inspection of general access to building for those needing limited public access. This checklist was developed based on the Access Board version. (292 inspections)

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3. Ferry Boarding Ramp Checklist. Checklist to ensure ADA access to ships by pedestrians. This checklist to be developed internally. (13 inspections)
4. Ship Checklist. Checklist for general access and access to public areas of vessels. Checklist has been developed in the Ferry Division. (20 inspections)
5. Public Transportation Systems. Modified checklist of physical facilities. Checklist to be developed internally and based on Access-Board guidance. (32 inspections)
6. Public Transportation Vehicles. Modified checklist of ADA accessible vehicles. Checklist to be developed internally and based on Access-Board guidance. (11 inspections)
7. Other Public Transportation Systems. There are an additional 137 public transportation systems that may need both facility and vehicle inspections.

#### **H. SUMMARY OF FACILITIES**

The Department operates a wide range of facilities throughout the State that are open to the public or house employees. There are a total of 580 identified facilities. The primary uses of the buildings include:

Administration or Special Use Buildings	28
DOH County Maintenance Offices	94
DOH District Engineer Offices	38
DOH Division Offices	14
DOH Division Equipment Shops	14
DOH Traffic Offices	14
DOH Right of Way Offices	14
DMV Driver License Offices	141
DMV Tag Agencies	126
Ferry Terminals	15
Interstate Rest Areas	29
NC Route Rest Area	1
North Carolina Welcome Centers	8
Primary Highway Rest Areas	19
State Highway Patrol Offices	8
State Highway Patrol Weigh Stations	14

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**III. COMMUNITY INPUT**

The communities involved in this self-assessment and transition plans include both internal to state government and those external to state government.

State Government-

- Department of Administration
- Department of Health and Human Services
- Office of State Personnel
- UNC System

External to State Government-

Mayor's (Raleigh) Committee on Citizens with Disabilities

State and Local Government Members

- James Benton, NC Services for the Blind
- David Eatman, City of Raleigh
- Chris Frelke, City of Raleigh
- Lori Millette, NC Department of Corrections
- George Nixon, NC Department of Transportation
- Darrell Price, Wake County
- Jennifer Tabery, Raleigh Parks and Recreation
- Margaret Watts, NC Department of Corrections
- Sharon Wisner, NC Department of Health and Human Services

Private or Advocate Group Members

- Lawrence Carter
- Tina Clements, Community Partnerships Inc.
- Chris Coughlin, MD
- Rene Cummins, Alliance of Disabilities Advocates
- Abby Emanuelson
- Kristy Eubanks, McLaurin Parking
- Fred Johnson, Alliance of Disabilities Advocates
- Evelyn Redmond
- Ginger Rush
- Les Seitz
- Ricky Scott
- Linda Williams
- Phillip Woodward



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**IV. ADA MANAGER/COORDINATOR**

The ADA Coordinator role prior to 2008 was shared by several program areas to include Human Resources (EEO Section), Office of Civil Rights & Business Development, General Services, Alternate Delivery Unit and Productivity Services. However, as a result of the Department's restructuring in 2008, ADA functional activities are housed in the Office of Civil Rights. Walt Thompson was designated by Secretary Conti to act as the Department's ADA Coordinator, effective November 1, 2008. Mr. Thompson subsequently retired on August 1, 2009.

The ADA Manager's assignment was to develop an inventory of all DOT facilities owned, leased and donated where programs and services are provided. Each facility was inspected by either General Services, Division of Highways, Division of Motor Vehicle personnel. The facilities were categorized into the following functional groups:

1. Division of Highways
2. Division of Motor Vehicles
3. Administration

The Chief Engineer of Operations had the assignment to inventory pedestrian crosswalks and curb-cuts within the NCDOT. Each Highway Division is responsible for surveying crosswalks and curb-cuts within their geographical boundaries.

The surveys of buildings and public walkways have been used to develop the scope of this Transition Plan.

The Director of Civil Rights has been designated by the Deputy Secretary of Administration & Business Development to act as the ADA Coordinator, in August 2009. In 2010, the EEO Manager was designated as ADA Coordinator.

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**V. GRIEVANCE PROCEDURE**

The current procedure was issued on March 12, 2008 and placed on-line for public use.

**ADA Grievance Procedure**

The North Carolina Department of Transportation has adopted an internal grievance procedure for prompt and equitable resolution of complaints alleging an action prohibited by federal regulations contained in Title II of the Americans with Disabilities Act of 1990 (ADA).

Issues that are grievable include but are not limited to: denial of a requested accommodation, inadequacy of an accommodation, inaccessibility of a program or activity due to disability, or discrimination based on disability.

All such complaints should be addressed to the ADA Coordinator, c/o NCDOT Productivity Services, 1512 Mail Service Center, Raleigh, NC 27699-1512, Tel: (919) 733-2083, who has been designated to coordinate the Department's ADA compliance efforts.

The following steps explain the procedure:

1. A complaint shall be filed in writing and shall contain the complainant's name, address, phone number, and nature of the complaint, previous denials of requested accommodation, and alleged violation (if any) of the regulations.
2. In the event the complainant is unable to prepare the complaint in writing, he/she may contact the ADA Coordinator by phone to arrange an alternate method.
3. A complaint shall be filed within thirty (30) days after the complainant becomes aware of the alleged violation or denial of accommodation. Complaints received later than thirty (30) days after the alleged violation or denial of accommodation may be dismissed as untimely.
4. An investigation, as may be appropriate, will follow the filing of a complaint. The Department may choose to investigate or refer the complaint to the FHWA (Federal Highway Administration) for investigation. The Department's investigation shall be conducted by the Department's ADA Coordinator and/or designated staff. The investigation shall include contact with the complainant, NCDOT staff, and others as necessary.
5. A written report of findings as to the validity of the complaint and a proposed resolution, if any, shall be issued by the Department's ADA Coordinator. A copy of the written report forwarded to the complainant not later than sixty (60) days after receipt of the complaint. The findings report shall include:
  - A). a description of the complaint

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- B). a finding of facts
  - C). a description of how the complaint will or will not be resolved
  - D). when the complaint will be resolved if not denied
  - E). responsible staff name and contact information if not denied
  - F). appeal rights of the complainant
6. The complainant or the affected unit of the Department can request reconsideration of the resolution if he/she is dissatisfied with reported findings. Requests for reconsideration must be made within thirty (30) days to the Secretary of the North Carolina Department of Transportation. Upon receipt of a request for reconsideration, the Secretary has an additional thirty (30) days to respond. The Secretary's decision is final.
  7. A complainant is not required to exhaust the Department's grievance procedure before filing a complaint with the North Carolina office of the FHWA, the US FHWA, the US Department of Justice or US Department of Transportation.
  8. These procedures are designed to establish operating guidelines that incorporate appropriate due process standards and ensure agency compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA.
  9. Retaliation against a complainant under this grievance procedure or individual assisting a complainant is prohibited.
  10. The Department's ADA Coordinator shall maintain records of all complaints for a period of five (5) years.

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**VI. TRANSITION PLAN**

**A. PLAN FOR ADA COMPLIANCE – BUILDINGS**

1. **Administration- General Offices.** Administrative offices for all units that deal with the general public, business, and commerce will be required to upgrade facilities to provide access to the disabled. Administrative units that have programs aimed at specific commercial or business groups and do not normally have access to the general public can provide program access through accommodation without modifying facilities. All general offices that must modify facilities to provide access include 1) the Highway Building 2) Raney Building, 3) DMV Headquarters Building, 4) Century Center building, 5) and the Oberlin Road building. These buildings must provide ADA access to the premises and must provide program accessibility to individuals with disabilities.
  
2. **Division of Highways.** The Division of Highways has many programs relating to the highway system. Each program requires accessibility by the disabled with some requiring "direct" access to facilities while others may require program access through accommodations. The programs and facilities requiring direct access and possible building alterations in order of priority are:
  - a) County Maintenance Yards
  - b) Bridge Maintenance Yards
  - c) Resident Engineers Offices
  - d) Traffic Services
  - e) Landscape
  - f) Equipment Sub shops
  - g) Right of Way
  - g) Division Equipment

Although these facilities require no alterations, the programs will remain accessible to the disabled by using specific accommodations for individuals with disabilities. These buildings may need to be upgraded or altered for an individual that is employed at the facility. Request for individual accommodations will be addressed on an individual basis.

**Division of Motor Vehicles**

All facilities owned, leased, contracted, or donated for DMV programs will require direct access. These programs serve the general public and require that individuals with disabilities have direct access.

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The **Driver License Section** utilizes facilities that are owned by the state, leased from the private sector, and donated by local governments. The facilities that are leased will need to be directly accessible by the disabled. Therefore, when contracts for the leased space are signed; a clause in the contract must stipulate that the facility will comply with ADA standards. The facilities that are donated are normally used part-time by the Driver License Examiners. These facilities are required to be accessible by the disabled. The Driver License management must negotiate with the owners of the donated space to obtain ADA compliance. If the owners cannot or will not comply, the Driver License management must determine whether to close the offices permanently or relocate to facilities that comply.

The **Vehicle Registration Unit** contracts license tag issuance to Branch Agents. The Branch Agents will be responsible for complying with the ADA standards. The Vehicle Registration management will include a clause in the contract stipulating that the Branch Agent provide facilities that comply with ADA standards. Those Branch Agents that cannot or will not comply will be replaced.

The general public does not need direct access to facilities housing only **License & Theft or Highway Patrol** (units which are part of Crime Control and Public Safety but use facilities owned by NCDOT). Therefore, accommodations for individuals with disabilities can be made without altering the facilities. Employees working in these facilities can make requests for accommodations on an individual basis.

### **Transit**

The **Ferry Division** serves the general public and direct access to the facilities is warranted. The rest room facilities and operational facilities at the ferry docks require ADA upgrade. Any disabled person using the ferry system should be able to use these facilities. The ferry boats will not be required to provide ADA standard rest rooms. To modify the existing ferry boats rest rooms would require rebuilding the ferry at an "undue" hardship. The accommodation for the disabled that can not use the rest room on the ferry is to provide the rest rooms at the dock. There may be a safety factor for not allowing a person in a wheelchair on the deck of a ferry. These issues will be addressed by the Ferry Division's management.

### **Facilities Transition Plan Management Philosophy**

The management of the Department of Transportation supports providing program access to all individuals with disabilities. Managers, supervisors, and

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employees will make reasonable accommodations to insure that all people are served by the department's programs.

**Division of Motor Vehicles**

The Division of Motor Vehicles is committed to providing persons with disabilities direct access or reasonable accommodations in employment and in the public services, programs and activities that it currently maintains or will develop in the future. The Division will strive, using all available resources, to meet or exceed the applicable requirements of the Americans with Disabilities Act and all federal legislation related thereto, and to remove all physical barriers that limit accessibility of its programs, activities and services. To this end, it shall be the responsibility of the Division's managers and supervisors to support the Act and provide all persons with disabilities reasonable accommodation in employment and access to all public programs, activities and services.

**Leased Facilities**

Twenty-nine offices operated by the Division of Motor Vehicles are located in leased facilities. Upon renewal, all existing contracts and lease agreements entered into by the Division for rented or leased office space shall be amended to include a clause stipulating that the facility must meet or exceed the appropriate requirements of the Americans with Disabilities Act on or before January 26, 1995. Failure to comply with this requirement shall result in the termination of the contract or agreement, and the Division shall relocate the program, service or activity to a facility that is in compliance with the Act. All such contracts and lease agreements entered into in the future for additional facilities shall contain a clause requiring the facility to comply with the provisions of the Act at the time of occupancy.

January 26, 1995, the Division shall schedule a meeting with representatives of the donor unit of government or private corporation and a decision will be reached to either close, relocate or renovate the facility to bring it into compliance with appropriate provisions of the Act. The use of donated space for all future offices shall be limited to facilities that comply with the Act at the time of occupancy.

**State-Owned Facilities**

The Division's long-range Capital Improvements Program, adopted during the 1987-88 Fiscal Year, provides for the construction or purchase of new buildings and the renovation, moderation, and expansion of existing facilities

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to serve the public. A centerpiece of the program is the removal of barriers that restrict access by persons with disabilities to public programs, services and activities. With the exception of minor modifications, physical barriers to accessibility have been eliminated. Twenty-five of the 72 state-owned DMV buildings have been renovated, expanded and modernized since the program was initiated to accommodate the needs of persons with disabilities. Using special funds appropriated by the North Carolina General Assembly, the Division has contracted through the Department of Transportation to use in-house personnel in 1991 to complete the renovation of nine (9) rest rooms to serve persons with disabilities. The Division plans to continue the renovation program using this contract method. Eight (8) additional projects have received funding in 1992-93 to comply with appropriate provisions of the Act. In addition, a schedule has been prepared by the Division to bring all state-owned buildings into compliance. In 2009, the Legislature enacted legislation (Senate Bill 474) requiring that all construction projects undertaken by the Division are reviewed and approached by the Department of Administration's State Construction Office. Attached is "Exhibit B" is the "Schedule of Compliance for State-Owned Buildings."

#### **Truck Weigh Stations**

The Division operated 14 fixed weigh stations for the enforcement of maximum highway weight limits and motor carrier safety regulations in the trucking industry. These facilities are restricted to truck traffic and official vehicles only and do not require alteration or modification because they require program access only. Reasonable accommodations will be provided on an individual basis for any disabled personnel who may be employed in the future.

#### **Vehicle Registration Branch Agencies**

With the exception of state-owned Division offices located in Raleigh and Charlotte, Vehicle Registration services are provided to the public by 123 contract branch agents who are compensated on a commission basis. Branch offices are located either in privately-owned or leased facilities. Agreements should be made that leasers are required to ensure ADA compliance. Annual contracts with branch agencies will be amended upon renewal and a clause will be inserted stipulating that facilities providing services, programs and activities to the public will be brought into compliance with appropriate requirements of the Act on or before January 26, 1995.

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**Warehouse, Accessory Buildings**

Warehouses and accessory buildings used for the storage of supplies, materials, and equipment are restricted to internal business and do not require modification to comply with the Act. Reasonable accommodations will be provided on an individual basis for any disabled personnel who may be employed in the future.

**Administration**

The headquarter offices of the Division of Motor Vehicles in Raleigh, NC, are top priority among the DOT Raleigh office buildings to comply with ADA, either facility or program accessibility for the disabled. The programs within these state-owned facilities will adapt to meet the rules of compliance for ADA. The long-range Capital Improvements Program adopted during the 1987-88 fiscal year, provides for making state-owned facilities more accessible to the public, especially with the disabled as a centerpiece of the program. See "Exhibit B" for the "Schedule of Compliance for State-Owned Buildings."

**B. List of Physical Barriers**

Barriers are grouped based on the process a citizen may use to access NCDOT programs or services.

Parking

- Number of spaces required
- Location of spaces
- Size of spaces
- Aisles of access
- Signage
- Van spaces

Access

- Curb cuts
- Ramps
- Handrails
- Slope

Entry Door

- Landing
- Door clear opening
- Door hardware
- Door pull
- Vestibule size

Public Service Areas

- Desk height service counter



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- Unobstructed corridor width
- Interior door hardware
- Interior door clear opening
- Blocked exit doors
- Elevators
- Evacuation plan
- Drinking Fountains (when furnished to the public)
  - Clear floor space
  - Knee space
  - Spout height
  - Fountain controls
- Restrooms (when furnished to the public)
  - Entry door clear opening
  - Door hardware
  - Toilet/urinal location
  - Clear floor space for toilet/urinal/sink
  - Toilet grab bars
  - Toilet/urinal/sink height
  - Urinal/sink knee space
  - Sink controls
  - Mirror and towel dispenser height

**C. Description of Methods to Remove Barriers**

The methods used to remove the above listed barriers may include one or several solutions. Solutions include:

- Paving and striping of the parking lot
- Relocating and or striping of handicap and van spaces
- Installation of correct signage
- Installation or re-installation of curb cuts and ramps
- Installation of level entry landing
- Replace or update doors or vestibules
- Install desk height service counters
- Re-route public traffic to eliminate narrow or blocked corridors
- Install new water fountains
- Remodel restrooms as needed
- Construct unisex restroom
- Re-locate restroom fixtures
- Construction of new building to serve needed program
- Construct addition to facility to serve needed program
- Relocate program to accessible building

**D. Schedule of Barrier Removal**

**E. Schedule of Curb Cut Corrections on State Highway System**

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**F. Unit Cost Estimates.**

The facilities survey form was divided into five categories. They were: 1) parking, 2) curb, 3) access, 4) entrance, and 5) interior.

The *Parking Section* of the survey included the number of parking spaces, paved or unpaved, handicap parking spaces, location of handicap spaces, size of handicap parking spaces, presence and number of van spaces and handicap signage.

The *Access Section* of the survey included distance from parking area to building; presence of curb cuts, presence of steps, ramp, or both; number of steps; slope from curb to building; and width of sidewalk.

The *Entry Door Section* of the survey included proper landing area at door, clear door width, direction of door swing, type door opener, presence of a vestibule, distance to interior door, clear width of interior door, direction of swing of the interior door, type door opener, and type door lock.

The *Public Service Section* of the survey included existence a desk height service counter, unobstructed corridor width, door hardware on doors with public access, blocked exit doors, elevators for multi-story buildings, and evacuation plans.

The *Drinking Fountain Section* of the survey included existence of a public water fountain and its compliance with ADA standards.

The *Restrooms Section* of the survey included existence of public restrooms and their compliance with ADA standards. The survey reviewed sixteen components of compliance.

Prior and current inspections have detected the twenty-two most frequently occurring barriers. The 2010 estimate to remove those barriers is:

<b>ITEM</b>	<b>UNIT COST</b>
Adjust Mirror Height	90
Correct Sign Height	45
Feather Curb Cut	456
Install Desk Height Service Counter	1200
Install Landing	1215
Install Medium Length Ramp	3950
Install Multiple Ramp	11928

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ITEM	UNIT COST
Install New Toilet	620
Install New Urinal	480
Install Ramp Handrails	1500
Install Short Length Ramp	1519
Install Vestibule	7597
Install Grab Bars	230
New Curb Cut	760
New Door Locks/Hardware	304
New Penalty Sign	95
New Restroom	9116
New Water Fountain	1519
Protect Water Supply	65
Handicap/van Parking Sign	152
Stripe Parking Space	912
Widen Door	1519

**G. BUDGET IMPACT.** Funding will come from several sources.

1. Capital Improvements. These funds are generated by direct approval of the General Assembly during the biennial budget process. Within the NCDOT funds will come from the Highway Fund and/or the Highway Trust Fund.
2. General Services Operating Budget. These funds are generated by the General Assembly as recommended by NCDOT during the bi-annual budgeting process with annual reviews. Funds come from the Highway Fund and/or the Highway Trust Fund.
3. Unit Operating Budgets. These funds are generated by the General Assembly as recommended by NCDOT during the bi-annual budgeting process with annual reviews. Funds come from the Highway Fund and/or the Highway Trust Fund.
4. Highway Construction Budget. Funds are generated by approval of the NCDOT Board of Transportation.
5. Highway Maintenance Budget. Funds are generated by approval of the NCDOT Board of Transportation.

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**VII. ADA STEERING COMMITTEE**

**A. SELF-EVALUATION TEAM**

An initial team was established in the summer of 2008 as part of an internal review of all Department programs and related organizations charged with delivery of those programs. This effort (Department wide) was called the Transformation Management Team (TMT). The ultimate outcome of TMT was reorganization of the Department to better serve the needs of all programs. The 2008 team members from across the Department included:

Executive Management	Anthony Roper
Aviation Division	Tim Luckwaldt
Civil Rights	Sharon Lipscomb
Division of Highways	Jimmy Travis Joseph Ishak
General Services	Priscilla Tyree
Human Resources	Philip Bickham
Productivity Services	Walt Thompson
Transit Division	Jeff Cox Miriam Perry

During its review, the team developed a hypothesis of ADA functionality. The gaps identified included:

- Fragmented program administration across Alternative Delivery Unit, Office of Civil Rights, Human Resources, Productivity Services, General Services, and other business units.
- No definitive policy or procedures for complaint filing and corrective action.
- Potential legal ramifications required a formalized process.

In a report delivered to senior Department staff in July 2008, the team presented four major recommendations:

- Post a letter of position authored by the Secretary that articulates the Department's commitment to ADA and satisfies the immediate compliance need for an ADA policy statement as noted in the results of the FHWA baseline assessment report.
- Establish a permanent ADA Oversight Committee composed of stakeholders from around the Department with the goals of coordinating

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with other stakeholders, information sharing, and to imbue ADA awareness within the Department culture.

- Modify current ADA training to ensure a consistent ADA message, and to include grantees, sub-recipients, and external customers to internal training.
- Create a single point of contact for discrimination and accommodation to simplify current processes and the create synergy. This single point of contact would act as the Department clearinghouse for all complaints, issues, questions, and requests. Also the individual would ensure the continuity of all training, printed materials, website, policies, procedures and other public and private forms of communication.

**B. STEERING COMMITTEE**

As a result of the July 2008 briefing and based on the Self-Evaluation Team, an initial steering committee was established with the following representatives:

Aviation	Jennifer Fuller
Civil Rights	Sharon Lipscomb
Division of Highways	Joseph Ishak Jimmy Travis
Division of Motor Vehicles	Frank Smith
General Services	Priscilla Tyree
Human Resources	Philip Bickham*
Productivity Services	Walt Thompson (Chair)
Transit Division	Jeff Cox Miriam Perry

\*Mr. Bickham now represents the Office of Civil Rights

With the guidance of Anthony Roper, Deputy Secretary-Administration and Business Development, this team will develop a list of new membership when needed, a list of duties and responsibilities and a planned communication/meeting schedule. Some of the issues to be discussed are:

1. To review again all DOT job classifications to ensure that the essential tasks identified are still valid.
2. Review policies and procedures for public meetings to ensure that they are accessible and that special needs are recognized in meeting announcements.
3. Plan for and conduct random audits of ADA facility and program compliance.

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4. Review DOH standards for construction of curb cuts, sidewalks, and other pedestrian facilities.
5. Develop external ADA training and determine those needing the training.
6. Include ADA awareness in management and employee training.
7. Seek greater public input into the Department's programs and services.
8. Develop standardized reporting of ADA requests for accommodation and in the resolution of those requests.