



New Jersey Department of Transportation
Division of Civil Rights and Affirmative Action
Americans with Disabilities Act
Section 504 Program Implementation Report
AND
2023
TRANSITION PLAN



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NEW JERSEY DEPARTMENT OF TRANSPORTATION
ADA/SECTION 504 IMPLEMENTATION and TRANSITION PLAN
EXECUTIVE SUMMARY

Improving lives by Improving Transportation is the New Jersey Department of Transportation's formula for its mission. Our mission is advanced throughout our organization and funded by our Capital and Statewide Transportation Improvement Programs with a mix of State, Federal and third-party funding which supports the continuation of our roadway improvement projects.

As transportation is important to most life activities, and as a recipient of Federal funding, NJDOT is committed to ensure that all individuals have an opportunity to access our transportation systems and facilities; and further assures nondiscrimination in all of its programs, activities and services.

More importantly and the focus of our transition plan are the unique needs of our disability communities. Nearly 20 percent of the United States' population is comprised of people who have disabilities; and the number continues to grow. Previously those with disabilities were not necessarily considered general participants in daily life activities or major contributors in our communities. Section 504 of the Rehabilitation Act was established in 1973 to protect individuals with disabilities from discrimination based on their disability. Additionally, in July 1990, the Americans with Disabilities Act was signed into law and provided even greater support to individuals with disabilities and their integration into the mainstream of American life. These laws helped to change the way society considered persons with disabilities and ultimately the way we do business and serve the public.

Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA) work together to ensure that public rights-of-way and facilities are accessible to persons with disabilities. Section 504 and the ADA were specifically passed to confirm and mandate that public agencies make certain assurances that persons with disabilities are not discriminated against in the delivery of their services, programs, or activities. More specifically, and as an example of compliance with these laws, NJDOT must make provisions for pedestrians with disabilities to ensure their safe access to our streets and sidewalks by installing structures such as curb cuts, ramps, continuous sidewalks, and detectable warnings where pedestrian facilities exist.

All of our newly constructed and altered roadways conform to Section 504, ADA and include safety and accessibility features. However, given the age of our overall transportation system; and that many roadways and facilities were constructed prior to 1990, it would be unreasonable and even cost prohibitive to reconstruct the transportation system for immediate compliance with these fairly new regulations. Consequently, standards and rules were developed to provide the guidance necessary to assist public agencies like the NJDOT to gradually transition and work towards reaching full compliance with the ADA. Thus, the basis and mandate for NJDOT's ADA Transition Plan, which was initially established and published in 1991. The ADA Transition Plan is developed and managed by the Division of Civil Rights and Affirmative Action's Title VI/Nondiscrimination Unit. As we continue to develop and improve our statewide transportation system, this plan sets forth the steps we have taken and continue to take in order to achieve compliance with the law and ensure full accessibility to individuals with disabilities.

For the convenience of our stakeholders including NJDOT organizations required to carry out ADA obligations, local government agencies, advocacy groups, and the public, the following program and plan is provided in two parts. The first includes the summary of the regulations, standards and guidelines established, which we have also applied and continue to reference for compliance and transition purposes. We provide this information, particularly to reiterate the requirements and to present one, convenient location for ADA information for our internal and external stakeholders.

The second portion of the plan essentially lays out an updated version of planned and proposed details and identifies the physical obstacles that continue to limit the accessibility of our programs or activities. This section updates and describes the ongoing methods we continue to use to make our facilities accessible; provides, where required, the updated schedule or plan we are using to update and improve our pedestrian access to meet Section 504 and ADA requirements; and presents an update of advancements and accomplishments since the inception of our formal transition plan and/or the last update.

Finally, we continue to collaborate with the public and particularly the disabled community by conducting and participating in outreach events and soliciting for their input when updating our transition plan. Our goal is to work with all stakeholders to improve accessibility in NJDOT's transportation programs.

PART 1
Regulations, Guidelines and Requirements

1.0 INTRODUCTION AND BACKGROUND

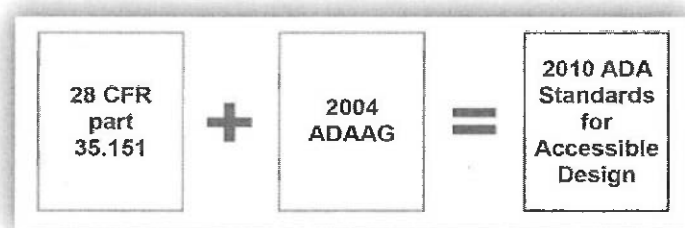
The Americans with Disabilities Act (ADA) of 1990 – also referred to as the “Act” or “ADA” – is a Federal, civil rights law prohibiting discrimination against persons with disabilities through five, separate titles; and similar to the Civil Rights Act of 1964 each title targets a different aspect of protection from potential discrimination as follows:

Title I	Employment
Title II	State and Local Government Services
Title III	Public Accommodations
Title IV	Telecommunications
Title V	Miscellaneous Provision

Title II of the Act (42 U.S.C. §§12131-12164) specifically addresses accessibility to public services and public transportation by persons with disabilities. On September 15, 2010, the Department of Justice (DOJ) issued amended rules for Titles II and III of the ADA. These rules established requirements for public agencies under the *2010 ADA Standards for Accessible Design*, (“2010 Standards” or “Standards”). The 2010 Standards formed minimum requirements for newly designed and constructed or altered facilities, public accommodations, and commercial facilities to be readily accessible to and functional for individuals with disabilities.

The DOJ acceptance of the 2010 Standards also sets a revised reference point for Title II entities that choose to make physical changes to existing facilities to meet their program accessibility requirements; and it establishes a similar reference for Title III entities undertaking readily achievable barrier removal.

State and local government facilities must follow the 2010 Standards, including both the Title II regulations at 28 CFR 35.151 (new construction and alterations) and the 2004 Americans Disability Act Accessibility Guidelines (ADAAG) at 36 CFR Part 1191, Appendices B and D. Public rights-of-way and facilities are required to be accessible for all users, regardless of funding source. Where the requirements between the two differ, the requirements of 28 CFR 35.151 will prevail.¹



¹ September 15, 2010, USDOJ ADA Standards for Accessible Design

As for an effective date of Title II of the ADA and as provided in the Standards, if construction begins on or after March 15, 2012, all newly constructed or altered State and local government facilities must meet the terms of the 2010 Standards. However, if the start of project construction began on or after September 15, 2010, but before March 15, 2012, the 1991 Standards (without the elevator exemption), the Uniform Federal Accessibility Standards (UFAS) or the 2010 Standards may be applied.

To summarize, Title II of the ADA requires public agencies to make provisions necessary to ensure people with disabilities have access to their programs, activities and services. However, public agencies must develop an approach to compliance that best suits its programs, processes and the communities it serves. Federal regulations, guidelines as well as the Standards were developed to provide specific guidelines to help agencies meet the requirements of the law.

It should be noted, however, that as a recipient of U.S. Department of Transportation (Federal) funding, and in accordance with Federal regulation, 49 CFR Part 27 (Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance), State Departments of Transportation may not directly or through contractual or other provisions discriminate on the basis of disability. As it relates to State Departments of Transportation (DOT), the DOJ assigned oversight responsibility for ensuring compliance with ADA regulations (28 CFR Par 35.190) to the US Department of Transportation, Federal Highway Administration (hereafter referred to as “FHWA”). As such, FHWA is responsible for overseeing, ensuring and monitoring State DOT’s compliance with ADA to include Self-Evaluation and the development and maintenance of Transition Plans. Specifically, all State DOTs are required to have established an ADA Transition Plan, which is used to demonstrate and record that existing facilities are being brought into compliance with the Act. The Transition Plan is periodically updated to confirm and document progress until full compliance with ADA requirements is achieved.

1.1 FRAMEWORK FOR ADA COMPLIANCE

According to the Standards, when comparing public agencies required to comply with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 (Section 504), State Departments of Transportation face exceptional challenges in meeting ADA accessibility obligations of the facilities they own and manage. The sheer size and geographic extent of a DOT’s coverage can easily comprise thousands of miles of public rights-of-way, magnifying the difficulty and cost in funding and efforts to achieve, maintain, and track compliance over time. The handbook entitled “*ADA Transition Plans: A Guide to Best Management Practices*” hereinafter referred to as “the Guide” recognizes these challenges

and offers a good foundation to achieve compliance through a phased, step-like approach of demonstrated activities and accomplishments over time.²

In summary, the Guide outlines seven specific steps for achieving compliance with ADA standards with respect to the accessibility of facilities in the public right-of-way. These steps have been reorganized into the following, four functional areas:

Step 1: Addresses the administrative requirements of the ADA program by designating a staff person responsible for coordination of compliance; provide notice to the public on ADA policy and assurance; and adopt procedures for resolving complaints in a prompt and effective manner.

Step 2: Involves the performance of a self-assessment (“Self-Evaluation”) to determine ADA compliance and findings of non-compliance, including internal and external processes; and assessments on the condition of managed facilities.

Step 3: The development of an implementation plan (“Transition Plan”) to improve ADA accessibility and compliance with Title II and Section 504 through several required elements: Identifying physical obstacles in the agency’s facilities that limit the accessibility of its programs or activities to individuals with disabilities; describing the methods (e.g., installation of curb ramps/facility wheelchair ramps, pedestrian push buttons, etc.) that will be used to make the facilities accessible; specifying the schedule for implementation of the necessary steps to transition, such as remove barriers and upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the transition plan; and identifying the official responsible for implementation of the plan. 28 CFR §35.150(d) (3). (9-12-06).

Step 4: Monitor and oversee progress of the implementation plan; conduct regular updates to ensure the plan and its priorities are valid and compliance efforts are effective and properly directed. Solicit the disability community and other interested individuals/groups for their input.

2.0 STEP 1 FUFILLING ADMINISTRATIVE REQUIREMENTS

Each State DOT must set up a basic program that meets the administrative requirements of the ADA. The basic elements of the program include the following:

Designation of an ADA Coordinator

Each DOT must appoint one, responsible staff person to coordinate ADA compliance with Title II across the agency, investigate ADA/504 complaints, and serve as a sole source for internal and external ADA information. This person should also connect and communicate

² NCHRP Report 20-7 (232), *ADA Transition Plans: A Guide to Best Management Practices*, National Academy of Sciences, National Cooperative Highway Research Program, May 2009.

with local governments, advocacy groups, and the public; and be dedicated full-time to advancing compliance plans within the department.

Notice to Public Regarding ADA Requirements

ADA's assurance of program accessibility requires that services and programs offered by public entities, including DOTs be fully accessible to and usable by individuals with disabilities and further requires that individuals with disabilities not be excluded because of limitations on access. Various methods of ensuring program accessibility include redesign/alteration of facilities, relocation of services or programs to an accessible location in a facility or to an accessible facility altogether. An important aspect of accessibility is the requirement to notify the public about ADA, the agency's responsibilities, and status on compliance. The provision to notify the public about their rights under the ADA is a continuing responsibility of DOT. Nevertheless, it is up to the agency itself to determine the most effective method(s) to carry out this goal, which should be centered on the way the agency does business and communicates with the public, including individuals with disabilities and organizations representing individuals with disabilities.

Generally speaking, and as provided in the guidelines and standards, the target audience for the public notice should be expansive and be aimed at anyone who currently interacts or could potentially interact with DOT, including applicants, beneficiaries or any persons interested in DOT's programs, activities, or services. The notice should include information about Title II of the ADA, the rights and protections of those with disabilities, and how the ADA applies to the programs, services and activities of the DOT. Information communicated must be accessible to all, and therefore be provided in alternative formats including audio tape, large print, Braille, HTML website format, and in other languages, as necessary.

Adoption and Publishing Grievance Procedures

So that complaints of disability discrimination are resolved in a prompt and reasonable manner, DOTs are required to adopt and publish its procedures used to resolve grievances that may arise from Title II of the ADA. Once developed, the grievance procedure should be provided on the DOT's (internet) website; it should be posted in conspicuous locations throughout the DOT offices; and communicated to staff so that they may direct matters timely and appropriately when received. Again, it is important that grievance procedures be available in alternative formats to ensure full accessibility to people with disabilities.

While Title II and its implementing regulations do not specify what the ADA grievance procedures must include, the DOJ has developed a model that includes the following components:

- A description of how and where an ADA complaint may be filed;
- Where written complaints are required, a statement notifying potential complainants that alternative means of filing a complaint will be available for people with disabilities, if necessary;

- A description of the timeframes and processes to be followed by complainant and government entity;
- Information on how to appeal an adverse decision; and
- A statement of how long complainant files will be retained by the agency.

3.0 STEP 2 CONDUCTING A SELF ASSESSMENT

Before developing a Transition Plan, DOTs must complete a Self-Evaluation, or inventory of existing physical barriers in facilities managed by the agency and a listing of all barriers that limit accessibility. Possible ways to collect this inventory include on-ground surveys, windshield surveys, aerial photo studies, and drawings.

An Accessibility Barriers Checklist provided in the Guide highlights several areas where deficiencies are likely to be found, as shown in the table below:

Table 1 – ACCESSIBILITY BARRIERS CHECKLIST³

ISSUE	POSSIBLE BARRIER
Sidewalk and Pathway Clear Width	Narrow, Below Guidelines
Sidewalk and Pathway Cross Slope	Steepness, Irregularity, Variability, Warping
Landings Along Sidewalks and Pathways	Less Than 4 feet by 4 feet
Sidewalk and Pathway Grade	Steepness, Angle Points
Materials and Finishes	Deterioration of Surfaces, Deterioration of Markings, Appropriateness of material (exp. Cobblestones)
Gratings	Grating Type, Grate Opening Orientation
Discontinuities	Missing Sections, Gaps, Drops, Steps
Detectable Warning System	Missing, Inappropriate Materials, Inadequate Size, Wrong Location
Obstructions	Signs, Mailboxes, Fire Hydrants, Benches, Telephones, Traffic Signal Poles, Traffic Signal Controller Boxes, Newspaper Boxes, Drainage Structures, Tree Grates, Pole Mounted Objects, Standing Water, Snow or Ice
Traffic Signal Systems	Lack of Provision for the Visually Impaired such as APS, Inadequate Time Allowed, Inoperable Buttons, Inaccessible Buttons

³ Source: NCHRP Report 20-7 (232), *ADA Transition Plans: A Guide to Best Management Practices*, National Academy of Sciences, National Cooperative Highway Research Program, May 2009.

Curb Ramp	Missing, Does not Fall within Marked Crosswalk, Doesn't Conform to Guidelines
Curb Ramp Flares	Missing Where Required, Too Steep

According to the standards and guidelines, developing an inventory of physical barriers that limit accessibility is the most challenging, but critical part of the transition process. These challenges are due, primarily to the time required, budgetary demands and staffing necessary to fully undertake and complete this time-consuming and vital task. Consequently, the Best Practices Guide recommends the following, potential approaches for DOTs to move forward in this essential endeavor:

- Identify dedicated funds and staff prior to commencing the Self- Evaluation phase and activities.
- Divide the effort into two, separate inventories. One uniquely identified for buildings and one for the right-of-way, so that a segment of the compliance effort can be advanced on a more accelerated schedule.
- Use a phasing and prioritization approach to focus the first stages of the inventory effort on the areas found as most important based on criteria such as high pedestrian traffic areas or those areas more commonly used by pedestrians with disabilities.
- Divide the inventory process across regions or districts, with each region/district being responsible for Self-Evaluation and development of its own transition and individual Transition Plan specific to its geographic area.

4.0 STEP 3 DEVELOPING A TRANSITION PLAN

Once Self-Evaluation is completed and an inventory of required modifications to achieve accessibility is conducted, a plan is developed for removing the identified barriers where they exist. While there is considerable variation between Transition Plans that exist across State DOTs, each plan must cover at least four required elements. The primary elements include a) a Self-Evaluation inventory; b) discussion of the best, cost effective methods to remove barriers and improve accessibility; c) a schedule for implementing steps toward achieving compliance; and d) identification of employee(s) responsible for overseeing the plan's implementation. Including the public and making the plan available for public review and inspection is also required.

While all accessibility issues are critical to the ADA, curb ramps receive special attention and consideration in the Transition Plan because they are a vital part of enhancing the public right-of-way and making it safer and accessible for people with disabilities. Addressing curb ramps include modification of sidewalks, street crossings, and other pedestrian routes to improve accessibility. Consequently, the Transition Plan specifically

requires DOTs to develop a separate schedule that deals with constructing, altering correcting and/or remediation of curb ramp issues.

4.1 PLAN ELEMENTS

In accordance with 28 CFR §35.150(d)(3) and Title II, the transition process, at minimum, should accomplish the following tasks, which should also be recorded in the Transition Plan:

- Identify physical obstacles in a public agency's facilities that limit the accessibility of its programs or activities to individuals with disabilities.
- Describe in detail the methods that will be used to make the facilities accessible.
- Specify the schedule for taking the steps necessary to upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the Transition Plan.
- Include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by Title II, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.
- Identify the official(s) responsible for implementation of the plan.
- Provide opportunities for interested persons and groups to participate in the development of the plan, including the Self-Evaluation process.

4.2 PROJECTS COVERED BY ADA AND SECTION 504

Any project for construction or alteration of a facility that provides access to pedestrians must be made accessible to persons with disabilities. Projects that alter the use of the public right-of-way (i.e., any changes that affect or could affect access, circulation, or use by affecting the structure, grade, or use of the roadway) must incorporate pedestrian access improvements within the project scope that meet ADA and Section 504 requirements.

Alterations include reconstruction, major rehabilitation, widening, resurfacing, signal installation and upgrades, and projects of similar scale and effect⁴.

According to the DOJ and FHWA, maintenance activities are not considered alterations. Examples of jobs that would generally be considered maintenance include painting or striping lanes, crack filling and sealing, surface sealing, chip seals, slurry seals, fog seals, scrub sealing, joint crack seals, joint repairs, dowel bar retrofit, spot high-friction treatments, diamond grinding, and pavement patching.⁵

⁴ Source: Federal Highway Administration Office of Civil Rights, "Questions and Answers About ADA/Section 504" accessed at: https://www.fhwa.dot.gov/civilrights/programs/ada/ada_sect504qa.cfm

⁵ USDOJ-FHWA Technical Assistance dated 6-28-2013

4.3 INTEGRATION OF TRANSITION PLAN

The purpose of the Transition Plan is to identify system needs and integrate them with the State's planning process through the Statewide Transportation Improvement Program (STIP) and Metropolitan Transportation Improvement Program (TIP). More specifically, an effective Transition Plan is applied in and directly tied to the annual planning of projects and corresponding funding decisions.

Accessibility improvements can be incorporated into the transportation program in a number of different ways, some of which include the following:

- Any programmed construction projects must meet accessibility requirements when built;
- Accessibility improvements identified in the Transition Plan that are not within the scope of an alteration project should be incorporated into the overall transportation planning process, even as stand-alone projects; and
- When scheduling maintenance activities, agencies should identify ADA accessibility needs and incorporate them into the overall transportation planning process.

4.4 REVIEW PROCESS

Transition Plans should be made available to and reviewed by at least three main groups of stakeholders:

- Internal stakeholders - DOT staff and internal individuals responsible for development and implementation of the plan.
- External stakeholders - FHWA, as part of its program, project, and investigative oversight role of Federal-aid recipients and sub-recipients.
- External groups and communities interested in ADA and accessibility, the public at large, including those assembled or identified by the DOT for providing input throughout the Self-Evaluation and Transition Plan development process.

4.4.1. INTERNAL REVIEW

Section 504 requires FHWA to monitor compliance of Federal-aid recipients (i.e., DOTs) with respect to their Self-Evaluation and Transition Plan activities to include internal reviews.

Agency staff should periodically review the Transition Plan through its Self-Evaluation process, which should take place both *prior to* and *following* completion of the plan. As previously expressed, Self-Evaluation activities are intended to gauge the level of existing compliance and determine the potential need to identify and include additional areas for accessibility improvements. Any identified deficiencies should be catalogued and included in future Transition Plan updates.

4.4.2. EXTERNAL REVIEW

As defined in the stewardship plan between the FHWA and DOTs, FHWA Division offices are tasked with reviewing pedestrian access compliance with the ADA and Section 504 as part of their routine oversight activities.

In addition to agency staff, public participation is a critical part of the ADA planning process. The public-at-large is a key stakeholder in ADA compliance and the agency's efforts to address barriers and make improvements through the Self-Evaluation and Transition Planning processes. Opportunities for participation in the Self-Evaluations that lead to the development of a Transition Plan should be publicized and targeted to members of the disabled community, interested persons, and other stakeholders. Potential stakeholders to target for participation in the review process include activists, advocacy groups, general citizens, organizations that support the rights of the disabled, elected officials, State-designated bodies or committees, or a State Ombudsman.

Potential sources for disseminating information and making requests for comments throughout the Self-Evaluation process include awareness days, newsletters, and information on the DOT website. Comments can be gathered through various means, including meeting comment forms, meeting transcriptions, a dedicated hotline, e-mail, or written correspondence addressed to the agency. Completed Self-Evaluation and Transition Plan documents are required to be available for public inspection and review.

4.4.3. FUTURE PLAN UPDATES

DOT should update and submit its Transition Plan annually and/or as needed to Federal Highway Administration to ensure that the document remains current and meets the needs of disabled persons. Since each plan is required to have an annual schedule that is ideally aligned with annual funding allocations through transportation planning and programming mechanisms, annual milestones should be adjusted regularly to reflect any changes in actual agency conditions.

4.5 MEASURING PROGRESS

The final step in achieving improvements in ADA compliance is continuous attention to incremental improvements and assessment on whether these enhancements are meeting the goals and targets set out in the Transition Plan schedule. The key for effective monitoring relies on establishing goals and targets by which to measure progress on an annual basis.

PART 2
NJDOT Transition Plan
Update of Activities and Accomplishments

5.0 STEP 4 STATUS OF COMPLIANCE

This Section will describe the progress NJDOT has achieved to date in its Title II and Section 504 responsibilities. The department's current program and corresponding activities are aimed at making regular progress following the steps required in the planning processes outlined in Section 1.1 above labeled "Framework for ADA Compliance". Advancements to date include satisfying the administrative requirements of the program, engaging in departmental coordination efforts, sharing ADA information and guidance across divisions, and leading required activities (e.g., curb ramp inventory, training, outreach and education and assessment of best practices, etc.).

5.1 ADMINISTRATIVE REQUIREMENTS OF ADA

Title II of the ADA requires public agencies to ensure that their programs, services and activities are accessible to individuals with disabilities. Entities with 50 or more employees must also designate at least one employee to coordinate compliance with the ADA regulations internally and externally. Designation of a formal ADA Coordinator is an important part of the Transition Plan and generally the first step in the ADA planning process. NJDOT has previously met this requirement as well as its obligation to provide notice to the public and announcements regarding the NJDOT established ADA grievance procedure.

5.1.1. DESIGNATION OF ADA COORDINATOR

NJDOT has designated and publicized its ADA Coordinator, contact information and responsibilities. The notice, as shown below, is also available in alternative formats to include large print and audio.

NJDOT ADA/504 Coordinator:

Chrystal Section
New Jersey Department of Transportation
Division of Civil Rights/Affirmative Action
1035 Parkway Avenue
Trenton, NJ 08625
Main Office Building, second Floor
(609) 963-2046 - Work
(609) 530-4030 - Fax
chrystal.section@dot.nj.gov

The ADA/504 Coordinator is charged with the responsibility for implementing, monitoring and ensuring the agency's compliance with Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. The functions performed by the ADA Coordinator are outlined below and include, but are not limited to the following:

- Preparing and updating a report of ADA/504 accomplishments and identifying problem areas to include in the Transition Plan.
- Monitoring the department’s current policies and practices for implementing ADA/504.
- Identifying shortcomings in compliance and developing remedies.
- Updating complaint procedures as necessary to facilitate prompt resolutions of ADA complaints.
- Evaluating remedial steps taken to eliminate the effects of discrimination.
- Ensuring agency compliance with ADA/504.
- Collaborating and coordinating with the heads of major divisions and Departments to enable ADA/504 compliance efforts.
- Establishing and maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations.
- Monitoring the agency’s ADA/504 Transition Plan to ensure that all department facilities remain in compliance with applicable accessibility standards and on schedule with its barrier removals.
- Monitoring established procedures to ensure that requested auxiliary aids are provided for persons with disabilities.
- Conducting annual reviews of ADA/504 program areas.
- Conducting ADA/504 training programs for agency managers and employees.
- Monitoring the preparation of ADA/504 information for dissemination to the public, including the “Notice to the Public” offer to provide reasonable accommodation upon request.
- Identifying, investigating, and eliminating ADA/504 discrimination when it is found to exist.

5.1.2. NOTICE OF ADA REQUIREMENTS

There are two notices made available to members of the public – Notice under ADA and the Notice of Nondiscrimination.

NJDOT adopted the US Department of Justice model Notice under ADA (**Appendix A**) which includes brief statements about:

- Employment;
- Effective communication;
- Making reasonable modifications to policies and programs;
- Not placing surcharges on modifications or auxiliary aids and services; and
- Filing complaints.

The above information is provided to the public and local public agencies on an on-going basis. For example, NJDOT specifically notifies applicants for employment, customers and others interested in the NJDOT’s programs, activities, or services of its compliance obligations and their rights under the ADA. NJDOT reaches these audiences by including these notices in its job applications, media outlets, at public information meetings, on its website and by posting announcements in conspicuous locations throughout its facilities and office locations.

The Notice of Nondiscrimination (**Appendix B**) affirms that the department's programs, services, activities, operations, and employment practices comply with all requirements of 49 CFR Part 27, 28 CFR §35 and 42 U.S.C. §12101-12213. The Notice also provides contact information for the ADA Coordinator if questions, complaints, or requests for additional information arise. This document is designed to fulfill the requirements under 28 CFR §35.106, which states that:

“A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.”

5.1.3. GRIEVANCE PROCEDURE

NJDOT has established a grievance procedure to address external, disability-based discrimination complaints entitled “Grievance Procedure under the Americans with Disabilities Act” (**Appendix C**). This Grievance Procedure outlines the steps necessary to report a complaint associated with the External ADA Program and includes details such as the person responsible for receiving complaints (ADA Coordinator); general procedures for resolving complaints; the timeframe within which to file a complaint; language expressly prohibiting retaliation; and an assurance of a prompt and full investigation. The right to an appeal of a complaint determination, as well as an alternative address for those wishing to file and/or direct their complaints to the USDOT, FHWA is also provided.

As expressed in the procedures, all grievances should be in writing and submitted to the ADA Coordinator within 180 days of the alleged violation. As required, the notice includes information on the availability of alternative means and formats for filing complaints, such as personal interviews or electronic recording devices. While the NJDOT Discrimination Complaint Form (**Appendix D**) is recommended, it is not required to be used to file a complaint, as alternative arrangements will be made for those requesting special accommodations.

The NJDOT Discrimination Complaint Form will collect the following information:

- Details on the party (ies) perpetrating the alleged discrimination;
- Details on the “Event” that caused the discrimination;
- The “relief” or “settlement” requested;
- Identification of witnesses, if applicable, and
- A request for the complainant’s signature, swearing or affirming that the charge is accurate and true.

Complaints received are recorded in the NJDOT ADA Complaint Log and shall be kept on file for a period of one year. A record of all such complaints, which may be in summary form, shall be kept for five years.

Complaint forms will be made available by contacting the ADA Coordinator and can be found on the NJDOT internet website.

ADA complaints will be examined by the ADA Coordinator; and upon receipt of a complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 120 days from acceptance, the complainant will receive a response, in writing or by other alternative means of communication, should an accommodation be requested. The response will explain the department's position in the matter and include a summary of the review, determination and/or resolution(s) to the complaint and provide any avenues for appeal, if available. If necessary and when applicable, a formal investigative report will be developed and include the following information:

- Complainant
- Respondent
- Issues/Allegations
- Applicable Law(s)
- Basis
- Findings
- Conclusion
- Recommendation(s)

5.1.4. ADA ASSURANCE TO FHWA

There are two sets of assurances for confirming oversight and compliance with ADA regulations, which are required to be included with applications for grants and contracts as a condition of receiving federal funding:

- NJDOT's assurance to FHWA as a recipient of federal financial assistance.
- Sub-recipients' assurances to NJDOT, for contracts through which they receive federal funding.

NJDOT's assurance (**Appendix E**) is incorporated into grant applications, contracts, or other instruments signed by and submitted to the NJDOT and/or the Federal Highway Administration (FHWA), as appropriate. As of October 2009, it is standard practice of the NJDOT to insert the Notice, or contents thereof, into its Professional Service Agreements and Construction Contracts. NJDOT takes steps to reasonably ensure all sub-recipients' programs are in compliance with ADA requirements and are not discriminatory regardless of the funding sources applied.

5.2 DEPARTMENTAL COORDINATION

NJDOT recognizes the importance of cross-agency and departmental coordination of ADA matters. Therefore, in our efforts to identify, address and resolve ADA compliance issues

and ensure greater departmental collaboration, we have instituted an ADA Working Group, on-going training and awareness to include identification of data and expertise-sharing opportunities across the agency. Also, in 2019, an ADA Work Type was added to the department's Project Management and Reporting System (PMRS). Specific functions in PMRS include automating the requests for project identifications, project job numbers, accepting electronic submittal of construction documents, automating the upload of capital project documents for individual projects, and capturing unlimited project location information such as Standard Route Identifier/Mile Post (SRI/MP) Limits, Structures, Railroad, etc.

5.2.1. ADA WORKING GROUP

The NJDOT, Division of Civil Rights and Affirmative Action's ADA Unit, consistently engages with internal stakeholders on ADA related issues and concerns. The ADA Working Group collectively represents various areas in the department and are considered Subject Matter Experts (SMEs) in their respective fields. The purpose of this group is to leverage the skills, experience, and expertise of staff on issues involving ADA compliance and accessibility.

Members of the ADA Working Group currently include representatives from the following program areas:

- Civil Rights and Affirmative Action
- Program Management
- Design Standards
- Project Management Office
- Right of Way
- Traffic Engineering
- Transportation Data & Support

In addition to leading and participating in the ADA Working Group, the ADA Coordinator participates in Scope and Core Team meetings to discuss and identify potential ADA concerns. The ADA Coordinator also attends project related field trips to be proactive, to maintain awareness of department projects where ADA issues may arise, and to ensure that ADA concerns are being considered and appropriately addressed.

5.2.2. ADA TASK FORCE ON PROWAG FINAL RULE

The Architectural and Transportation Compliance Board (Access Board) issued its final rule on August 8, 2023, for the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) which became effective on October 7, 2023, (see update [2023-19250.pdf \(govinfo.gov\)](#) and [Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way](#)). These guidelines are issued under Title II of the Americans with Disabilities Act of 1990 (ADA) and the Architectural Barriers Act of 1968 (ABA). Title II of the ADA applies to state and local government facilities, among others. The ABA applies to facilities constructed or altered by or on behalf of the Federal Government, facilities leased by Federal agencies, and some facilities built with Federal funds. It is

recognized that this document is not the revised PROWAG guidelines, only what changes the US Access Board intends to make.

While this is the final rule from the US Access Board, both the Department of Justice and the Department of Transportation must develop their respective rulemaking processes and guidelines for compliance. These guidelines, once adopted, will ensure that facilities used by pedestrians, such as sidewalks and crosswalks, constructed or altered in the public right-of-way by federal, state, and local governments are readily accessible to and usable by pedestrians with disabilities. When the rules are adopted and published, with or without modifications, as with the accessibility standards in regulations issued by other federal agencies implementing the ADA, Section 504 of the Rehabilitation Act, and the ABA, compliance with the enforceable accessibility standards is mandatory.

Consequently, NJDOT is in the process of forming a department-wide task force composed of SMEs, which includes the ADA Coordinator, to review the guidelines and provide comments on the proposed changes to PROWAG. This effort will be led by the Division of Capital Program Support, Bureau of Design Standards.

5.2.3 NJDOT WEB ACCESSIBILITY

Taking advantage of today's technology, the NJDOT Internet has evolved over the years and now provides a host of information and interactive services through its website, including links to other public websites that provide traveler information and transportation services.

NJDOT's website home page is located at www.state.nj.us/transportation/ and provides access for all users. Information on ADA can quickly be accessed under "Transportation Spotlights" by clicking on the International Symbol of Accessibility and Telecommunications Relays Service (TRS) icons.

The State of New Jersey through its NJ.GOV website provides a comprehensive statewide Accessibility Statement which is used by all state agencies. The State of New Jersey is committed to making information accessible to all, including individuals with disabilities. The State's Accessibility Statement is presented at the bottom right side of the NJDOT home page. If accessibility issues arise while using any NJ.GOV website, users may click on the State website Statement and complete a form to report the problem by e-mailing the State of New Jersey Webmaster.

5.3 INTERACTIVE PROCESS

The Americans with Disabilities Act of 1990 (Title II, 28 CFR §35.105) mandates NJDOT, as a public entity, perform periodic evaluations of its services, policies, and practices relating to accessibility for individuals with disabilities. The goal of the Self-Evaluation process is to review and assess the Department's internal structures and processes for addressing ADA regulations, with particular emphasis placed on State roads, State highways, and State-owned facilities. Insights gained from this self-assessment are

intended to serve as a baseline from which to develop a plan for improvement and corrections, which serves as the Transition Plan.

The Self-Evaluation framework covers three NJDOT functional areas: 1) General Requirements, 2) Program and Facility Accessibility, and 3) Communications. The summarized findings for each area are as follows:

5.3.1. GENERAL REQUIREMENTS

NJDOT has fulfilled general ADA requirements, including the designation of an ADA coordinator and publication of that individual's contact information. In addition, we have provided our Notice of Nondiscrimination, developed an internal grievance procedure, and issued written assurance to the FHWA that the department will not discriminate based on disability. All documents relative to these requirements are available on the NJDOT Division of Civil Rights/Affirmative Action's website for ADA which can be accessed at: <https://www.state.nj.us/transportation/business/ada/documents.shtm>

These documents are also disseminated to sub-recipients and general stakeholders during all training sessions and public meetings.

Copies of both the Self-Evaluation and Transition Plan are made available for review during ADA training sessions conducted for local counties, municipalities and consultants.

5.3.2. TRAINING, AWARENESS AND OUTREACH

To enhance awareness of and responsibility for ADA, training of internal staff and external sub-recipients is important. It is also NJDOT's goal to monitor sub-recipients in the advancement of their obligations to ensure ADA. Our strategy is to oversee sub-recipients' ADA compliance through training and information sharing.

During Calendar Years 2016-2018, training sessions were held with all 21 counties in New Jersey. These sessions covered ADA regulations and guidance on developing a Transition Plan. To confirm and verify that they have a plan in place, counties continue to submit their ADA Transition Plans to NJDOT for review and feedback, if applicable. As of 2021, the following 17 counties have submitted draft Transition Plans: Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Union and Warren. The remaining four counties, Bergen, Hunterdon, Mercer, and Sussex will submit their draft plans by Winter 2024. We will follow-up with all counties concerning any updates and/or reports on ADA activities.

The following are details about ADA training and NJDOT's Coordinator participation in work groups aimed at ADA communities since the last plan update:

Table 2 - ADA TRAINING FISCAL YEAR 2023-2024

Class Name		# of Trainings	Total Attendees
ADA Compliance		7	410
ADA Design		6	772
Class	Type	Date	# of Attendees
Compliance to the ADA in the PROW	IP	November 30, 2023	5 to date
Compliance to the ADA in the PROW	W	Aug 31 and Sep 1, 2023	45
Compliance to the ADA in the PROW	W	May 4-5, 2023	31
Compliance to the ADA in the PROW	IP	April 4, 2023	35
Compliance to the ADA in the PROW	W	March 15-16, 2023	225
Compliance to the ADA in the PROW	W	November 22-23, 2022	49
Compliance to the ADA in the PROW	IP	November 10, 2022	20
Design of ADA Curb Ramps and PAC	W	October 3-5, 2023	106
Design of ADA Curb Ramps and PAC	W	May 23-25, 2023	39
Design of ADA Curb Ramps and PAC	IP	April 20, 2023	28
Design of ADA Curb Ramps and PAC	W	March 29-31, 2023	314
Design of ADA Curb Ramps and PAC	W	December 20-22, 2022	252
Design of ADA Curb Ramps and PAC	IP	November 2, 2022	33

Rutgers University Center for Advance Infrastructure and Transportation (CAIT) conducted seven training classes on “ADA Compliance with the Americans with Disabilities Act (ADA) in the Public Rights of Way” for NJDOT staff, the disability community, consultants/contractors, public advocacy groups, and sub-recipients from November 10, 2022, through November 29, 2023. A total of 410 internal and external individuals participated in the training.

Rutgers CAIT also conducted six, two-day, “Design of Pedestrian Facilities for Accessibility” workshops for these same stakeholders from November 2, 2022, through October 5, 2023. A total of 772 individuals participated in the workshops.

NJ 2020 Strategic Highway Safety Plan (SHSP)

The ADA Coordinator participates as a team member on both the Pedestrian and Bicyclist Emphasis Area and Equity Emphasis Area. The goal of the SHSP is to reduce the number of crashes and eliminate deaths across state and local road systems. The development of the 2020 SHSP is a collaborative effort between state and local transportation agencies, law enforcement, emergency response, academia, healthcare, and other public and private

sector transportation organizations working together. The FHWA mandates that every five years the SHSP plan be reevaluated. The prior plan was completed in 2015. The new plan will be implemented statewide to increase safety and reduce roadway deaths over the next five years.

Autism Task Force

The ADA Coordinator was appointed to participate on the Governor’s Autism Task Force in 2018. The purpose of the task force was to study and make recommendations concerning mobility and support services of New Jersey adults with autism spectrum disorder. The task force was established after Rutgers’ autism research report, “Detour to the Right Place: A Study with Recommendations for Addressing the Transportation Needs and Barriers of Adults on the Autism Spectrum in New Jersey”. Seven state departments/agencies were represented on the task force along with participation from the public.

The charge to the Task Force included:

- Review of current state policies
- Current Literature Review
- Consult with and evaluate testimony
- Develop and issue recommendations
- Rank recommendations
- Identify funding sources for recommendations

Key Deliverables:

- Three Public hearings – held in Northern, Central and Southern New Jersey.
- Final report includes key findings and recommendations with ranking and feasibility.

Complete Streets and Individuals with Autism Spectrum Disorder (ASD) and Intellectual and Developmental Disabilities (IDDs)

As a result of the Autism Task Force findings, in January 2023, Governor Murphy signed legislation (Bill S-147) requiring NJDOT to implement a Complete Streets Policy to plan, design, construct, maintain, and operate new and rehabilitated public highways and transportation projects to provide safe access for all users, including bicyclists, pedestrians, transit riders, individuals with mobility impairments, persons diagnosed with autism spectrum disorder and persons with intellectual and developmental disabilities. Additionally, the bill also requires the department to develop universal design concepts that advance the mobility options for persons with intellectual and developmental disabilities and individuals diagnosed with autism spectrum disorder. To support and comply with this legislation, the Division of Statewide Planning, Bureau of Safety, Bicycle, and Pedestrian Programs (BSBPP), with support from a consulting team, will facilitate a working group, research best practices, and identify NJDOT policies, procedures, and documents that may need to be updated to comply with S147. This is part of a broader

effort to update NJDOT's Complete Streets Policy which is currently underway. The ADA Coordinator serves on the working group which had its first meeting on September 15, 2023.

Rutgers University's Alan M. Voorhees Transportation Center (VTC) is developing a primer on the basics of autism, intellectual and developmental disabilities, and transportation needs. As part of the primer, VTC has assembled a working glossary of terms related to autism and intellectual and developmental disabilities. This glossary is just one piece of the larger primer, which is currently under development. Ultimately, the glossary and primer will serve as tools to support practitioners as they work to incorporate the needs of those with autism and intellectual and developmental disabilities in Complete Streets policies, planning, and implementation.

5.3.3. PROGRAM AND FACILITY ACCESSIBILITY

NJDOT headquarters and regional facilities inventoried in the 2010 Self-Evaluation have been made accessible for all users. Due to inclement weather and the expectation of snowplows damaging detectable warning surfaces (DWS) on curb ramps, new DWS will be installed on curb ramps at all facilities, as needed.

The ADA Curb Ramp Inventory Data Base will be updated in 2024. The Division of Capital Program Management and Bureau of Transportation and Data Safety are involved in the coordination of updates on non-compliant locations. The projected completion dates for ADA compliance and ensuring locations are included on the Straight-Line Diagram (SLD). Updates to the database are done by the ADA Coordinator.

The ADA Coordinator works closely with the Department's Division of Support Services during major internal and external facility improvements and upgrades. The Division of Support Services includes our Facilities Planning, Engineering and Construction groups. The ADA Coordinator serves as a Subject Matter Expert (SME) on facility related working groups to ensure ADA is considered and appropriately addressed in newly created and upgraded building features. Support Services continues to be responsive to complaints regarding existing facilities. During this reporting period, ADA site inspections were conducted with Support Services staff and state ADA Coordinator David Millstein during July, August and September of Calendar Year 2023. Examined and discussed were deficiencies of ADA features at five NJDOT facilities: Trenton headquarters, Mount Arlington (North), Cherry Hill (South) regional facilities, and the two tourist welcome centers/rest areas, Knowlton and Carney's Point. A site inspection report was completed, and a prioritization schedule will be developed for the implementation of accessible features, including curb ramps, as appropriate (**Appendix F**).

Meetings with the Metropolitan Planning Organizations (MPO)

North Jersey Transportation Planning Authority (NJTPA), Delaware Valley Regional Planning Commission (DVRPC), and South Jersey Transportation Planning Organization (SJTPO) will be scheduled for 2024 after overall completion of the Strategic Highway Safety Plan.

Outreach and Education

On October 13, 2023, the ADA Coordinator and staff participated as an exhibitor and information provider at Middlesex County's annual *Disability Connections: Information and Resource Fair* hosted by the Department of Community Services Office of Aging & Disabled Services. Constituents were provided information about NJDOT's ADA program's activities and services as they relate to providing accessible state roadway and pedestrian facilities.

Finally, NJDOT's goal is to continue its public outreach to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process by requesting contribution, feedback and comments, as applicable. Three major disability advocacy groups in New Jersey have been solicited for comments and contribution. Specifically, the New Jersey Council on Developmental Disabilities, Disabilities Rights New Jersey, and the Progressive Center for Independent Living were contacted to gauge potential constituent interest in providing input on accessibility issues on state roadways and public rights-of-way. These groups/agencies have also helped to disseminate meeting information to their agency staff, constituents, and other member networks they are involved with that may be interested in the information and topics covered by NJDOT's public outreach sessions on ADA.

5.3.4. COMMUNICATIONS

NJDOT provides auxiliary aids to program participants with disabilities and notifies the public of the availability of these aids. Furthermore, it was reported that the NJDOT website is compatible with software used by the hearing and visually impaired.

To identify vital factors for the successful implementation of various elements of a Transition Plan, several resources of best practices have been explored including:

- ❖ State DOT Transition Plans
- ❖ FHWA/Maryland State Highway Administration ADA Peer Exchange⁶
- ❖ US Department of Justice ADA Best Practices Tool Kit for State and Local Governments

⁶ Maryland SHA Americans with Disabilities Act, Outreach Activities, Maryland State Highway ADA Peer Exchange Report, Accessed at: http://www.sha.maryland.gov/OPR/MDSHA_ADA_Peer_Exchange_Rpt_FINAL.pdf

5.3.5. REVISION OF DOCUMENTS FOR ADA COMPLIANCE

Two key documents - the NJDOT Design Manual-Roadway and the NJDOT Standard Roadway Construction Details – have been revised to integrate ADA requirements and standards into current NJDOT practices. After working with the FHWA, these documents received final approval. NJDOT formally issued these documents to the design community in 2015. In addition, the Department revised its Sample Plans to reflect examples of how to represent ADA design features on its plans for presentation to contractors for construction. These standards will be applied to the design of all appropriate Capital Projects, Maintenance Roadway Repair Contracts, and projects administered through the Department’s Local Aid program.

5.3.6. NJDOT POLICIES AND PROCEDURES

The NJDOT maintains policies and procedures for the purposes of providing consistency in operations, conveying management's philosophies, providing guidance in training and improving communications and productivity. Currently, there are two policies, which address safe access to all users within public rights of way:

Complete Streets Policy (Policy No. 703) (Appendix G): As a summary, the New Jersey Department of Transportation employs a Complete Streets policy through planning, design, construction, maintenance, and operation of new and retrofit transportation facilities. Complete Streets strategies enable safe access and mobility of pedestrians, bicyclists, and transit users of all ages and abilities. This includes all projects funded through the Department’s Capital Program. In addition, the Department strongly encourages the adoption of similar policies by regional and local jurisdictions and particularly those who apply for funding through its Local Aid programs.

Accommodating Pedestrian and Bicycle Traffic during Construction (Appendix H): The Department is committed to increasing pedestrian and bicycle travel options and, where appropriate and safe, integrates bicycle and pedestrian accommodations into transportation systems to promote walking and bicycling as preferred travel modes for short trips. Under the Department’s current procedures, bicycle and pedestrian needs and opportunities, (current and future), and how these needs and opportunities are to be incorporated into projects, are identified during the project development’s planning and scoping phases.

It is recognized that construction related activities present an inconvenience and impediment to the maintenance of traffic for all modes of travel, including bicycle and pedestrian. Consequently, the Department’s general bicycle and pedestrian policy obligates the Department’s Project Management to provide safe access for bicycle and pedestrian traffic during the construction phase of capital improvements. NJDOT will apply its practices as appropriate; however, the Department acknowledges that it is not possible in all cases to spare the traveling public from such inconveniences and resulting impediments during construction.

The Department places a priority on the completion of permanent capital improvements that meet the needs of all lawful travel modes over the undertaking of costly and extraordinary measures during construction to maintain all modes of traffic. Such extraordinary measures not only consume scarce resources which could be used to implement permanent solutions to other needs but could also result in extending the duration of construction which then prolongs construction related travel impacts to the traveling public. A key means of mitigating construction related impacts for all modes is to lessen the duration of construction.

Decisions regarding the approach to maintain bicycle, pedestrian and motorized traffic during construction will be made on a case-by-case basis to respond to the unique circumstances presented for each project. Traffic related assessments and determinations will be made in cooperation and consultation with affected residents and local public officials. Appropriate means of accommodating bicycle and pedestrian traffic during construction will be developed within the planning, scoping and design phases of project development and will become an integral element of the project construction plans.

6.0 STRATEGIES TO ENSURE COMPLIANCE

The Transition Plan identifies, and updates ADA non-compliance issues captured in the Self-Evaluation process. The Department is taking a deliberate and strategic approach in assuring state highways and transportation facilities are in conformance with and/or targeted to be brought into compliance with the ADA. To ensure projects incorporate ADA features where required, NJDOT uses the U.S Department of Justice's 2010 Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities (ADAAG). Additionally, ADA is now a primary consideration during the project planning phase and incorporated as applicable and required. Moreover, there are a number of independent projects the Department has planned or carried out for purposes of ensuring compliance with the ADA. The Department's goal is to provide full accessibility in state-owned transportation facilities for all persons living, working, or traveling (by any mode) in the State of New Jersey.

6.1 ACCESSIBILITY

A Teletypewriter (TTY) Line/ Telecommunications Relay Service (TRS)⁷ are available on NJDOT's internet website. One of the components of Title II focuses on removing barriers to effective communication. For persons who have hearing and speech disabilities, calling NJDOT is easy using TRS provided by NJ Relay. TRS is a free telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals.

⁷ TTY is the more widely accepted term; however, TTYs are used by many people, including those who are deaf. A TTY is a special device that allows people who are deaf, hard of hearing, or speech-impaired to use the telephone by allowing them to type messages back and forth to one another instead of talking and listening. A TTY is required at both ends of the conversation in order to communicate.

6.2 PROJECTS AND COMPLIANCE

NJDOT Capital Program Support released Corrective Action Notice (CAN) Number 082 (“CAN082”) to designers on June 28, 2012, updating its ADA design requirements. More specifically, CAN082 outlines revision to the Roadway Design Manual Subsection 5.7.4, Public Sidewalk Curb Ramps General. Many projects that were in design or construction had ADA related work added into the projects when the ADA work could not be completed within a reasonable time frame and cost. The department has since evaluated ADA compliance on all substantially completed projects as of July 1, 2012, through March 1, 2014. This evaluation process was accomplished through three, regionally assigned consultant Task Orders. An evaluation of current site conditions for compliancy was completed for every project that met the criteria. Projects that had not yet met compliancy were grouped into contracts within each region based upon many factors such as limits, number of non-compliant features, and complexity.

In February 2015, a federally participating group solicitation for ADA Retro-Fit Compliant Contracts was posted for preliminary engineering, final design, and construction engineering services for these and future ADA projects. The review process was completed, and the Designers selected in 2015. The Concept Development phase of work on the ADA Retro-Fit Compliant Contracts was comprised of a regional evaluation (North, Central, and South) of all projects that were substantially complete between July 1, 2012, and March 1, 2014. FHWA was an integral part of the team and deemed the approach and the final product acceptable.

As of 2023, based on the ADA Retro-Fit Compliant Contracts, a total of 3,938 curb ramps will be installed along state roadways.

6.2.1. ADDRESSING NON-COMPLIANCE

ADA Technically Infeasible Form (TIF-1)

NJDOT’s Division of Capital Program Support, Bureau of Design Services, with the assistance of the ADA Coordinator, created the ADA Technically Infeasible Form (TIF-1) (**Appendix I**). The TIF-1 is used for existing sites when it is deemed technically infeasible to construct pedestrian facilities to fully meet current ADA/504 standards. Individual non-compliant curb ramps are specified on separate forms. In alterations to existing facilities where full compliance with the ADAAG is technically infeasible, the alteration shall comply with these standards to the extent practicable. Designers must document the basis for their non-compliance determination using Form TIF-1. This form shall be completed and submitted to the Department as part of a project's Final Design Submission (FDS) and will be utilized in updating the Department's Transition Plan. Form TIF-1 and its instructions are available on the Department's website. Completed TIFs are available in the Roadway Standard Unit and Civil Rights/ADA Unit.

6.2.2. ADA PROJECTS AND CONTRACTS

The following is a list of NJDOT projects which include ADA Retro-Fit Compliant Regional Contracts. These contracts consist of 56 projects: *Region North* six (6), *Region Central* three (3), and *Region South* four (4). A total of 3,938 curb ramps will be installed along state roadways.

The subsequent updates were collected through the Project Management Reporting System (PMRS). Each project is listed by its Database (DB) number and/or Project Identification number.

REGION NORTH

Project ID: 158100

Projected Substantial Completion Date: 10/1/2023

Rt. 7 Mill St. (CR 672) to Park Ave. (CR 646)

Construction Type: Resurfacing, reconstruction

County: Essex

Municipality: Belleville, Nutley Twp.

Project Phase: Construction

Number of curb ramps: 101

Project ID: 154390

Projected Substantial Completion Date: 10/1/2023

Rt. 10 Chelsea Dr. to Kelly Dr.

Construction Type: Pedestrian

County: Essex

Municipality: Livingston, W. Orange Twp.

Project Phase: Construction

Number of curb ramps: unknown

Project ID: 153870

Projected Substantial Completion Date: 4/25/2020

Project Status: Closed

Rt. 46 Stiger St. to Sand Shore Rd. /Naughtright Rd.

Construction Type: Pavement Repair, resurfacing

County: Morris, Warren

Municipality: Mt. Olive, Washington Twp. (Morris), Washington Twp. (Warren), Hackettstown

Number of curb ramps: 42

Project ID: 163080

Projected Substantial Completion Date: 4/4/2024

Taft Ave. Pedestrian Bridge over Rt. 80

Construction Type: Bridge Replacement

County: Passaic

Municipality: Woodland Park Boro

Project Phase: Construction
Number of curb ramps: 2

Project ID: 163180

Projected Substantial Completion Date: 6/1/2023
Rt. 46 Pequannock St. to CR 513 (West Main St)
Construction Type: Intersection Improvement
County: Morris
Municipality: Dover Township, Rockaway Twp
Project Phase: Final Design
Number of curb ramps: unknown

DB #15411 / Project ID: 154110 - ADA North, Contract 1

Projected Substantial Completion Date: 10/3/2022
Rt I-80 EB Truck Weigh & Inspection Station
Rt 46 E of Forest Rd to W of Flanders Rd, Resurfacing
Construction Type: Pedestrian
Counties: Morris, Warren
Municipality: Mt. Olive Twp., Netcong Boro, Knowlton Twp.
Project Phase: Construction
Number of curb ramps: 88

DB #15412 / Project ID: 154120 - ADA North, Contract 2

Actual Substantial Completion Date: 2/22/2023
Rt 284 Rt 23 to the New York State Line, Pavement
Rt 183 NJ Transit Bridge
Weldon Rd - Espanong Rd over Route 15
Rt 46 Section 7L & 8K
Construction Type: Pedestrian
Counties: Morris, Sussex
Municipality: Netcong, Sussex
Project Phase: Construction
Number of curb ramps: 92

DB #15413 / Project ID: 154130 - ADA North, Contract 3

Project Status: Closed
Projected Substantial Completion Date: 1/20/2022
Rt 15, Bridge over Abandoned Mt. Hope Mineral RR Br (3)
Salem Street, Bridge over Route 10, Deck Replacement
Rt 80 Bridges over Rt. 287 NB and Smith Road
Rt 46 EB Lower Notch Rd to Rock Hill Rd, Pavement
Rt 21 Fwy Park Avenue Interchange, Safety Improvements
Rt 22 Liberty Avenue & Conrail Bridge
Rt 21 Tichenor Park
Rt 208, Bridge over CR 665, Passaic County
Rt 17 SB Cameron Rd to Airmount Av (CR 83), Pavement

James Street over I-287 Deck Replacement
Construction Type: Pedestrian
County: North region
Municipality: Various
Curb ramps: 308

DB #15414 / Project ID: 154140 - ADA North, Contract 4

Projected Substantial Completion Date: 5/27/2022
Rt 10 WB Jefferson Rd to West Northfield Ave Pavement
Rt 10 EB, W of Harrison Av to E of West Northfield Ave
Construction Type: Pedestrian
Counties: Essex, Morris
Municipality: Various
Project Phase: Construction
Curb ramps: 114

DB #15415 / Project ID: 154150 - ADA North, Contract 5

Projected Substantial Completion Date: 9/30/2020
Construction Type: Pedestrian
County: Bergen
Municipality: Lodi, Hackensack City, Hasbrouck Heights
Project Phase: Construction
Curb ramps: 113

DB #15416 / Project ID: 154160 - ADA North, Contract 6

Projected Status: Closed
Rt 17 NB over I-80 Superstructure Replace & Widening
South Summit Avenue over I-80, Ramp L and Rt 17 SB
Rt 4 over Flat Rock Brook
Rt 3 Hackensack River (EB & WB) Rehabilitation (2 structures)
Rt 3 W of Rt 17 to Rt 1&9, Resurfacing
South Marginal St., Bridge over Park Avenue
Rt 1&9T (25) St. Pauls Ave Bridge
Pulaski Contract #1
Construction Type: Pedestrian
County: Bergen, Hudson
Municipality: Various
Curb ramps: 45

Region North Summary:

There are 5 individual projects along with 6 ADA contracts with various numbers of projects totaling 905 curb ramps identified for construction. The current phase of each project is as follows:

Final Design: 1 project

Rt. 46 Pequannock St. to CR 513 (West Main St.)

Construction: 15 projects, including 4 ADA contracts

Rt. 7 Mill St. (CR 672) to Park Ave. (CR 646)

Rt. 10 Chelsea Dr. to Kelly Dr.

Taft Ave. Pedestrian Bridge over Rt. 80

ADA North, Contract 1 (2 projects)

ADA North, Contract 4, Rt. 10 Harrison Ave. to W. Northfield Ave. (2 projects)

ADA North, Contract 5

ADA North, Contract 2 (4 projects)

Closed: 21 projects, including 2 ADA contracts

Rt. 46 Stiger St. to Sand Shore Rd. /Naughtright Rd.

ADA North, Contract 3 (10 projects)

ADA North, Contract 6 (8 projects)

REGION CENTRAL

Project ID: 153890

Projected Substantial Completion Date: 6/1/2024

Rt. 35 Osborne Ave. To Manasquan River & Old Bridge Rd. to Rt. 34 & Rt. 70

Construction Type: Resurfacing

County: Ocean

Municipality: Point Pleasant Boro

Project Phase: Preliminary Engineering

Number of curb ramps: 124

Project ID: 154010

Projected Substantial Completion Date: 9/11/2020

Rt. 138 GSP to Rt. 35

Municipality: Wall Twp

Construction Type: Resurfacing

Project Phase: Preliminary Engineering

County: Monmouth

Number of curb ramps: 41

Project ID: 158110

Projected Substantial Completion Date: 9/25/2020

Rt. 27 ADA Ramps- Evergreen St. to Elizabeth River

Construction Type: Pedestrian

County: Middlesex, Union

Municipality: Edison, Woodbridge Twp., Rahway

Project Phase: Construction

Number of curb ramps: 286

Project ID: 163620

Projected Status: TBD (funding approved 2023)

Rt. 173, CR 513 (Pittstown Rd) to Beaver Ave. (CR 626)
Construction Type: Pedestrian Safety
County: Hunterdon
Municipality: Clinton, Franklin, Union Twp
Project Phase: Preliminary Engineering
Number of curb ramps: 35

Project ID: 124340

Projected Status: Closed
Rt. 27 Bridges St. to Frederic St.
Construction Type: Resurfacing
County: Middlesex
Municipality: Metuchen, Edison
Number of curb ramps: 150

DB #15417 / Project ID: 154170 - ADA Central, Contract 1

Projected Substantial Completion Date: 10/10/2022
Rt 71, Sea Girt Avenue to Route 35
Rt 9 var locations from S of Alexander Ave to S of Rt 79
Rt 34/35 Colts Neck and Wall Twps., Resurfacing
Rt 9 Pohatcong Lake Dam
Construction Type: Pedestrian
Counties: Ocean, Monmouth
Municipality: Freehold, Howell
Project Phase: Preliminary Engineering
Number of curb ramps: 684

DB #15418 / Project ID: 154180 - ADA Central, Contract 2

Projected Substantial Completion Date: 7/25/2022
Rt 36, S of Miller Av to N of Union Av (CR 39), Resurfacing
Rt 35, Cherry Tree Lane to Rt. 9, Resurfacing Vari Locations
Rt 27 Parillo Dr to Sandford St, Pavement
Rt 1, NB, South of CR 514 to Rt 287, Resurfacing
Rt 33 Bridge over Rocky Brook, Emergency Repairs
Rt 35, Cheesequake Creek Bridge
Groveville Road over Rt 130
Construction Type: Pedestrian
County: Central region
Municipality: Various
Project Phase: Final Design
Number of curb ramps: 459

DB #15419 / Project ID: #154190 - ADA Central Contract 3

Projected Substantial Completion Date: 5/16/2022
Rt 28 Branch of Green Brook to Hamilton Ave
Rt 1 var locations from N of College Rd to NJ 91 Connector R

Rt 206 South of Bridge Point Road to Doctors Way
Rt 31 Bridge over Shabbecong Creek
Rt 78 Ramp "C" over Beaver Brook
Construction Type: Pedestrian
County: Central region
Municipality: Various
Project Phase: Final Design
Number of curb ramps: 378

Region Central Summary:

There are 5 individual projects along with 3 ADA contracts with various numbers of projects totaling 2,157 curb ramps identified for construction. The current phase of each project is as follows:

Preliminary Engineering: 14 projects

Rt. 35 Osborne Ave. to Manasquan River
Rt. 138 GSP to Rt. 35
Rt. 173, CR 513 (Pittstown Rd) to Beaver Ave. (CR 626)
ADA Central, Contract 1 (4 projects)
ADA Central, Contract 2 (7 projects)

Final Design: 5 projects

ADA Central, Contract 3 (5 projects)

Closed: 2 projects

Rt. 27 ADA Ramps- Evergreen St. to Elizabeth
Rt. 27 Bridges St. to Frederic St.

REGION SOUTH

DB #15420 / Project ID: 154200 - ADA South Contract 1 w/o right of way

Projected Status: Closed
Rt 206 Rizzotte Dr to Burlington Co Line, Resurfacing
Rt 322 Eighth St to Watering Race Brook, Pavement and resurfacing
Construction Type: Pedestrian
County: Atlantic, Burlington, Cape May
Municipality: Various
Number of curb ramps: 31

Project ID: 1168010- ADA South Contract 1 w/right of way

Projected Substantial Completion Dates: 8/24/2022

Rt 206 Rizzotte Dr to Burlington Co Line, Resurfacing
Rt 30 and Pomona Road (CR 575)
Construction Type: Pedestrian
County: Atlantic, Burlington
Municipality: Galloway Twp., Hammonton Town, Shamong Twp.
Project Phase: Preliminary Engineering
*Number of curb ramps:*190

DB #15421 / Project ID: #154210 - ADA South Contract 2

Projected Substantial Completion Date: Delayed
Rt 49/55 Interchange Improvements at Rt 55
Rt 40 Carneys Point and Pilesgrove Resurfacing
Rt 45 Carpenter St to Red Bank Ave
Rt 45 Reid St to Rt 130, Pavement
Construction Type: Pedestrian
County: Cumberland, Gloucester, Salem
Municipality: Various
Project Phase: Construction
Number of curb ramps: 190

DB #15422 / Project ID: 154220 - ADA South Contract 3

Projected Substantial Completion Date: 9/10/2021
Rt 168 over I-295, Bridge Deck Replacement
Rt 168 Benigno Boulevard
Collings Avenue (CR 630) over Route I-676 SB
Rt 70 WB over Rt 38
Rt 30 E of Brand Ave to E of London Ave Pavement Rehab
Construction Type: Pedestrian
County: Camden
Municipality: Various
Project Phase: Construction
Number of curb ramps: 166

DB #15423 / Project ID: 154230 - ADA South Contract 4

Projected Substantial Completion Date: 1/14/2022
Rt 30 Grove St to Brand Ave 3
Construction Type: Pedestrian
County: Camden
Municipality: Barrington, Somerdale, Clementon Boros
Project Phase: Final Design
Number of curb ramps: 380

Project ID: 163220 - ADA South Contract 5, Rt. 9 & Rt. 47

Projected Substantial Completion Date:
Construction Type: Pedestrian
County: Atlantic, Gloucester
Municipality: Galloway Twp., Clayton Boro
Project Phase: Final Design
Number of curb ramps: 8

Project ID: 124180 - Rt. 73 CR 721 to NJ Transit Bridge

Projected Substantial Completion Date: 11/1/21
Construction Type: Resurfacing
County: Camden
Municipality: Winslow
Project Phase: Construction
Number of curb ramps: 28

Project ID: 114160 – Rt. 30 Atco Ave. to Rt. 206

Projected Substantially Completion: 9/6/23, and Final Completion 12/7/23
Construction Type: Resurfacing
County: Atlantic, Camden
Municipality: Hammonton, Waterford, Winslow
Project Phase: Construction
Number of curb ramps: 110

Project ID: 068095 Rt. 40/322 Median Closure, Oakcrest Ave. to Spencer Ave.

Projected Substantial Completion Date: 6/1/2023
Construction Type: Safety
County: Atlantic
Municipality: Egg Harbor, Hamilton
Project Phase: Preliminary Engineering
Number of curb ramps: 60

Region South

There are 4 projects along with 6 contracts with various numbers of projects totaling 1,161 curb ramps identified for construction. The current phase of each project is as follows:

Preliminary Engineering: 5 projects

ADA South Contract 1, w/right of way (2 projects)
ADA South Contract 5, Rt. 5, & Rt. 47
Intersection Improve Program & Safety Corridor Program w/right of way South 2017
Rt. 40/322 Median Closure, Oakcrest Ave. to Spencer Ave

Final Design: 1 project

ADA South, Contract 4

Construction: 11 projects

ADA South, Contract 2 (4 projects)
ADA South, Contract 3 (5 projects)
Rt. 73 CR 721 to NJ Transit Bridge
Rt. 30 Atco Ave to Rt. 206

Closed:

ADA South Contract 1 w/o right of way (2 projects)

6.3 ACCELERATED RIGHT OF WAY PROCESS FOR SIDEWALKS

A principal purpose of the ADA is to ensure that pedestrians with disabilities have equal opportunity and access to the public rights-of-way. A critical piece in this requirement is to ensure that curb ramps are installed for pedestrians, where applicable when alterations occur to streets, roadways or highways.

In 2017, the Department, in collaboration with the FHWA established the Accelerated ROW Process for Sidewalks that utilize accelerated tools (i.e., sidewalk right-of-way agreements, temporary and permanent sidewalk easement descriptions, Administrative Determinations of Values (ADVs), and simplified title research). A Process Improvement Working Group was established for this effort and included representatives from FHWA, and NJDOT Divisions of Project Management, Capital Program Support, Right-of Way & Access Management, and Civil Rights and Affirmative Action.

On Limited Scope Resurfacing Projects, this process will shorten the timeframe needed to acquire ROW associated with ADA sidewalk work, to restore pavement condition within acceptable periods. For ADA contracts and Full-Scope Projects, it will improve the efficiency of acquiring parcels needed to accommodate ADA sidewalk work.

To further address the ADA, the Department has expanded its typical road resurfacing projects to include ADA required updates for adjoining sidewalks and/or curb ramps.

The Division of Right of Way & Access Management implemented the accelerated right of way process to help make the additional sidewalk right of way work more manageable. This process is limited to sidewalk work parcels. Projects with other types of right of way acquisitions will use the standard right of way process on any parcel where non-sidewalk right of way is required.

At the conclusion of any work, the maintenance responsibility for sidewalks on private property returns to the adjoining owner.

This accelerated process does not provide for new utility rights or allow any traffic cabinets and wiring in private property. If utility rights or NJDOT occupation of the property for

traffic control devices is required, the standard acquisition process will be used, with a sidewalk easement and a utility or other easement as needed.

Finally, it is noteworthy to mention that the accelerated process uses the Department's existing authority to acquire property and is intended to conform to FHWA requirements as to the use of ADA offers.

7.0 PROJECTED ACTIVITIES

This Section includes a series of concrete steps that NJDOT can undertake to support the phased-in approach to compliance discussed at the outset of this Plan. These activities will need to be adjusted or revised as necessary in accordance with known and available resources, which have not been determined as of the writing of this Transition Plan.

7.1 IMMEDIATE ACTIVITIES 2023

Undoubtedly, NJDOT has experienced challenges in its transition to comply with the ADA. As mentioned, most of the difficulties are due, in part to the time, budgetary demands and dedicated staffing necessary to fully undertake and complete these ADA required tasks. Further, better department-wide coordination of ADA activities is also necessary to ensure and effect compliance. We are also seeking to establish better methods to track ADA compliance on projects to include the design and maintenance of an installation schedule. Consequently, we have been exploring the potential to hire a consultant who will be engaged to develop an infrastructure inventory and curb ramp installation schedule specific to the NJDOT Transition Plan. Areas we have identified to address include:

- State Roadways
- Buildings with public access
- Parks
- Parking lots
- Recreational trails
- Pedestrian trails
- Pedestrian right-of-way facilities
 - Pedestrian signals
 - Curb ramps
 - Sidewalks
 - Pedestrian street crossings
 - Transit stops (physical and programmatic)
 - Shared use trails

The utilization of a GIS System is also recommended for data collection and management. The following are immediate steps that NJDOT is undertaking to ensure ADA compliance in the current year:

- Continuing to update the ADA Section 504/Transition Plan based on existing inventory efforts; and to identify sources of funding for installing curb ramps.
- Securing dedicated State and Federal funding to incorporate ADA upgrades into projects in the STIP and Long-Range Transportation Plans.
- Ensuring ADA is applied on programmed projects.
- Continuing training activities on ADA compliance.
- Continuing conducting site inspections of facilities.
- Engaging those in the disabled community in the ADA planning process.
- Continuing meeting with and assembling an external advisory group/stakeholder group for involvement in future Self-Evaluation and Transition Plan efforts, as a requirement of the Transition Plan.
- Continuing working with the ADA Working Group on evolving ADA issues.
- Continuing meeting with MPOs and various sub-recipients in local counties and municipalities.

7.2 SHORT-TERM ACTIVITIES (2 TO 3 YEARS)

The following initiatives could potentially be started in the short-term:

- Continue securing dedicated State and Federal funding for incorporating ADA upgrades into programmed projects in the STIP and Long-Range Transportation Plans.
- Continue public outreach efforts with respect to the Self-Evaluation and Transition Plan processes.
- Ensure ADA upgrades on programmed project
- Update Curb Ramp Database to include projects that are ADA compliant.
- Amend the ADA 504/Transition Plan based on existing inventory efforts.
- As requested, prepare vital documents in Braille, large print and on cassette tapes if they are not currently available in alternative formats.

7.3 INTERMEDIATE-TERM ACTIVITIES (4 TO 6 YEARS)

To effectively evaluate ADA performance and compliance, the Transition Plan should be updated periodically as the short-term goals are met and facilities are inventoried. Intermediate goals include the following tasks:

- Update ADA 504/Transition Plan (As necessary).
- Complete inventory of NJDOT pedestrian facilities.
- Continue training activities on ADA compliance.

- Continue public outreach efforts with respect to the Self-Evaluation and Transition Plan processes.
- Ensure ADA upgrades on programmed projects.

7.4 LONG-TERM ACTIVITIES (7 TO 10 YEARS)

Long-term goals aim to achieve the highest level of compliance with ADA regulations and incorporate ADA-related activities into the day-to-day activities of NJDOT. These goals are targeted for accomplishment within a 10-year timeframe, as mentioned in the Self-Evaluation report.

- Ensure that all NJDOT buildings and facilities built after 1992 comply with ADA standards.
- Continue public outreach efforts with respect to the Self-Evaluation and Transition Plan processes.
- Use the ADA inventory database to improve compliance efforts.
- Incorporate ADA compliance into the day-to-day work of NJDOT.
- Complete and monitor annual progress of the curb ramp installation schedule.
- Satisfy all the required elements of the Transition Plan.

7.5 FUNDING OPPORTUNITIES

Pedestrian and Bicycle Funding Opportunities: U.S. Department of Transportation Transit, Safety, and Highway Funds, September 9, 2022

The Federal Highway Administration (FHWA) has compiled a table of funding sources that may assist in the implementation of ADA Transition Plans and related data (**Appendix J**). The table indicates potential eligibility for pedestrian and bicycle activities and projects under U.S. Department of Transportation surface transportation funding programs. Activities and projects need to meet program eligibility requirements. Safety, accessibility, equity, and convenience of walking and bicycling should be integrated into surface transportation projects.

8.0 CONCLUSION

NJDOT's goal is to provide a transportation program and system that fully complies with Title II of the Americans with Disabilities Act. Accordingly, NJDOT will continue to ensure ADA is advanced to achieve compliance throughout the State's transportation program. The ADA Coordinator will also continue to work with appropriate program areas to help develop, maintain, and coordinate the Department's ADA requirements. As previously mentioned, the coordinator's activities include monitoring the curb ramp installation schedule and developing activities and formal processes to identify and address future installations of accessible features for all users. The coordinator, along with all applicable areas will work together to ensure NJDOT fully considers its ADA obligations at early stages within the pipeline process. The coordinator will keep ADA in the forefront of the Department's activities by attending Capital Program Screening Committee meetings, Concept Development Core Group meetings, and project field trips. To track improvements, quarterly progress updates will also continue to be completed, publicized, and included in future Transition Plans.

APPENDICES

APPENDIX A – NOTICE UNDER THE ADA



NEW JERSEY DEPARTMENT OF TRANSPORTATION

NOTICE UNDER THE AMERICANS
WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the New Jersey Department of Transportation "NJDOT" will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: NJDOT does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: NJDOT will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in NJDOT programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: NJDOT will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in NJDOT offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of NJDOT should contact the office of Chrystal Section ADA/504 Coordinator, 1035 Parkway Avenue, Trenton, New Jersey, 08625, Main Office Building, 2nd Fl, phone (609) 963-2046, fax (609) 530-4030, Email: Chrystal.Section@dot.nj.gov, Monday-Friday, 9:00 AM-5:00 PM as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the NJDOT to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of NJDOT is not accessible to persons with disabilities should be directed to Chrystal Section, ADA/504 Coordinator, 1035 Parkway Avenue, Trenton, New Jersey, 08625, Main Office Building, 2nd Fl, phone (609) 963-2046, fax (609) 530-4030, Email: Chrystal.Section@dot.nj.gov, Monday-Friday, 9:00 AM-5:00 PM. NJDOT. Recipients shall keep on file for one year all complaints of noncompliance received. A record of all such complaints, which may be in summary form, shall be kept for five years. (49 CFR 27.121(b)). The coordinator is responsible for complaint maintenance.

NJDOT will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

APPENDIX B - THE NOTICE OF NONDISCRIMINATION



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

TAHESHA L. WAY
Lt. Governor

AMERICANS WITH DISABILITIES ACT NOTICE OF NONDISCRIMINATION

The New Jersey Department of Transportation (NJDOT) does not discriminate on the basis of disability with respect to all terms and conditions of its employment practices, access to its programs, services, activities or in any aspect of its operations.

This notice is provided as required by Title II of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information regarding the ADA and Section 504 may be directed to the NJDOT Division of Civil Rights/Affirmative Action, ADA Compliance Coordinator identified below. You may also request this information be provided to you in an alternate size or format.

Chrystal Section, ADA Coordinator
New Jersey Department of Transportation
Division of Civil Rights and Affirmative Action
1035 Parkway Avenue
Trenton, New Jersey, 08625
Main Office Building, 2nd Fl.
Phone: (609) 963-2046, Fax: (609) 530-4030
Email: Chrystal.Section@dot.nj.gov


Diane Gutierrez-Scaccetti
Commissioner

11/01/23
Date

APPENDIX C - GRIEVANCE PROCEDURE



**New Jersey Department of Transportation
Grievance Procedure under
the Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the New Jersey Department of Transportation "NJDOT". The NJDOT's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 days after the alleged violation.

To file a complaint with NJDOT Division of Civil Rights and Affirmative Action, you may contact the ADA/504 Coordinator at the following address, number or email:

**Chrystal Section, ADA/504 Coordinator
New Jersey Department of Transportation, Division of Civil Rights
1035 Parkway Avenue, Trenton, New Jersey, 08625
Main Office Building, 2nd Fl.
Phone: (609) 963-2046, Fax: (609) 530-4030
Chrystal.Section@dot.nj.gov
Monday-Friday, 9:00 AM-5:00 PM**

To file a complaint with the United States Department of Transportation, please contact them at the following address, number and email:

**Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Phone: 202-366-0693
Fax: 202-366-1599
TTY: 202-366-5132
Email: CivilRights.FHWA@dot.gov**

1. A grievance may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. In cases of employment related grievances, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq. will be followed where applicable.

2. A grievance should be filed promptly within 180 days after the grievant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, will follow the filing of a grievance. The investigation will be conducted by the agency's designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance.

4. In most cases a written determination as to the validity of the grievance and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the grievant no later than 120 days after its filing.

5. The ADA coordinator will maintain the files and records of the agency relating to the grievances filed.

6. The right of a person to a prompt and equitable resolution of the grievance filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA grievance with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

All grievances alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in N.J.A.C. 16:1B-4.

A grievance alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator within 180 days of the grievant becoming aware of the alleged violation. Upon receipt of a grievance, the designated ADA coordinator will notify the grievant of the receipt of the grievance and the initiation of an investigation into the matter. The designated

ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 120 days from the date of receipt of the grievance unless a later date is agreed to by the grievant.

Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 120 days of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant, which decision shall be transmitted to the grievant and/or the alternate contact person if so designated by the grievant.

You have the right to appeal this decision. If you wish to appeal this decision, however you must submit a written appeal to:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Phone: 202-366-0693
Fax: 202-366-1599
TTY: 202-366-5132
Email: CivilRights.FHWA@dot.gov

Your appeal must be postmarked or delivered within 20 days of your receipt of this determination. It must include a copy of this determination, the reason for the appeal and the specific relief requested.

Recipients shall keep on file for one year all complaints of noncompliance received. A record of all such complaints, which may be in summary form, shall be kept for five years. (49 CFR 27.121(b)). The NJDOT ADA/504 coordinator is responsible for complaint maintenance.

NJDOT prohibits retaliation for filing a grievance, complaint or participation in the process and any allegations will be promptly and fully investigated.

All complaints received are logged onto the “ADA Complaints Record Check Sheet”, which is maintained by the ADA/504 coordinator. The check sheet is an ongoing document used to track the complaint process. When the coordinator receives a call or complaint from an individual or FHWA the information is logged onto the sheet under these fields: **Case No., Complainant, Respondent, Agency Filed With; Date Filed, Bases, Date of Report, and Decision.**

The coordinator investigates the complaint as per FHWA instruction and ADA Guidelines. Once the complaint is resolved a date is entered. A hard copy of the check sheet is stored in the coordinator’s ADA file cabinet.

**New Jersey Department of Transportation
ADA/504 Complaint/Grievance Form**

Name of Grievant: _____

Person Preparing Complaint (if different from Grievant): _____

Relationship of Preparer to Grievant (if applicable): _____

Address of Grievant: _____

Telephone Number of Grievant: _____ E-mail: _____

Nature of grievance:

Please describe the nature of the specific complaint or grievance, including any incident, barrier, or perceived denial of benefit of any service, program or activity.

Please include the date and as much detail as possible on the location of the alleged violation. Use additional pages or attachments to substantiate your description.

Proposed resolution or accommodation:

Please describe what you believe should be done to resolve the grievance.

Signature of Grievant/Preparer

Date

Please return this form in hard copy or e-mail it to:

**Chrystal Section, ADA/504 Coordinator
New Jersey Department of Transportation, Division of Civil Rights
1035 Parkway Avenue, Trenton, New Jersey, 08625
Main Office Building, 2nd Fl.
Phone: (609) 963-2046, Fax: (609) 530-4030
Chrystal.Section@dot.nj.gov**

Upon request, copies of this form will be provided in alternative formats. Please contact the ADA/504 Coordinator listed above.

APPENDIX D - COMPLAINT FORM

**New Jersey Department of Transportation
ADA/504 Complaint/Grievance Form**

Name of Grievant: _____

Person Preparing Complaint (if different from Grievant): _____

Relationship of Preparer to Grievant (if applicable): _____

Address of Grievant: _____

Telephone Number of Grievant: _____ E-mail: _____

Nature of grievance:

Please describe the nature of the specific complaint or grievance, including any incident, barrier, or perceived denial of benefit of any service, program or activity.

Please include the **date** and as much detail as possible on the **location** of the alleged violation. Use additional pages or attachments to substantiate your description.

Proposed resolution or accommodation:

Please describe what you believe should be done to resolve the grievance.

Signature of Grievant/Preparer

Date

Please return this form in hard copy or e-mail it to:

**Chrystal Section, ADA/504 Coordinator
New Jersey Department of Transportation, Division of Civil Rights
1035 Parkway Avenue, Trenton, New Jersey, 08625
Main Office Building, 2nd Fl.
Phone: (609) 963-2046, Fax: (609) 530-4030
Chrystal.Section@dot.nj.gov**

Upon request, copies of this form will be provided in alternative formats. Please contact the ADA/504 Coordinator listed above.

APPENDIX E - ADA ASSURANCE TO FHWA



State of New Jersey
DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

TAHESHA L. WAY
Lt. Governor

**AMERICANS WITH DISABILITIES ACT and
SECTION 504 OF THE REHABILITATION ACT OF 1973
ASSURANCE**

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the New Jersey 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 his 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.

The New Jersey Department of Transportation further assures that its programs will be conducted, and its facilities operated, in compliance with all the requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR § 35 and 42 USC § 12101-12213.



Diane Gutierrez-Scaccetti
Commissioner

11/01/23

Date

APPENDIX F – FACILITIES ADA SITE INSPECTIONS



New Jersey Department of Transportation

FACILITIES ADA SITE INSPECTIONS

(Updates and Recommendations)

2023

As a follow-up to the ADA audit/site inspections of NJDOT regional facilities in 2018, during July, August and September of Calendar Year 2023, the ADA Coordinator and staff accompanied by the Division of Support Services' director, staff and state ADA Coordinator David Millstein conducted an updated ADA site inspection of five NJDOT facilities: Trenton headquarters, Mount Arlington (north), Cherry Hill (south) regional facilities, and the two tourist welcome centers/rest areas, Knowlton and Carney's Point. This report highlights noncompliant ADA features that were examined and discussed along with recommendations to bring these features into ADA compliance. The Division of Support Services will develop a prioritization schedule by January 2024 for the implementation of accessible features, including curb ramps, as appropriate.

NJDOT takes a strategic approach in assuring state-owned highways and transportation facilities comply with the ADA. To ensure ADA compliance, NJDOT uses the U.S Department of Justice's 2010 Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities (ADAAG). NJDOT's goal is to provide accessible state-owned transportation facilities for all persons living, working, or traveling in New Jersey.

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. "The Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal" (ADA Checklist) details requirements found in the ADA Standards for Accessible Design (Standards).

The ADA Checklist was used as a tool during the ADA Regional Facilities Site Inspections to assist in determining methods for providing program accessibility.



Trenton Headquarters

August 24, 2023

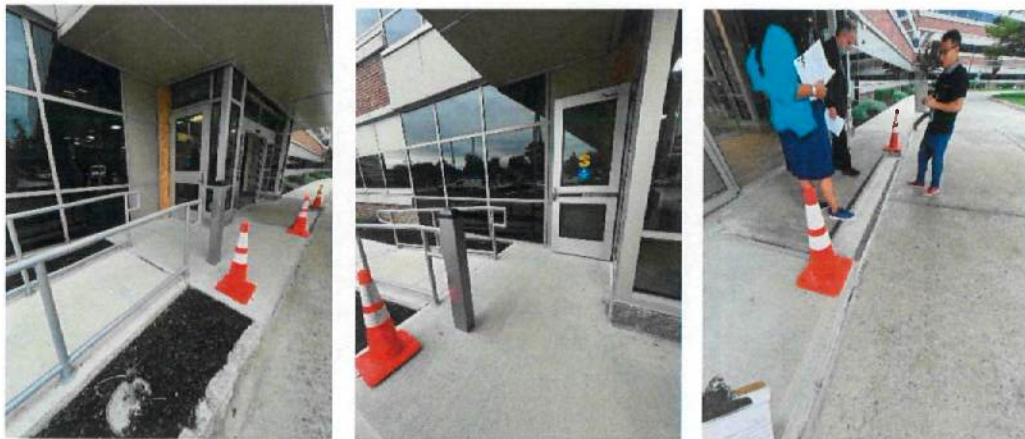
Headquarters is composed of the Main Office Building (MOB), Finance & Administration (F&A) Building and the Engineering & Operations (E&O) Building.

MOB:

Exterior:

Building Entrance (ADAAG 4.1, 4.2, 4.3)

- 1) At the time of the site inspection, the entrance was under construction. After construction, there will be two yellow bollards placed on each side of the entrance, totaling four for ADA accessibility identification.



Parking and Passenger Loading Zones (ADAAG 4.6)

- 2) Recommended restriping accessible parking space in front of MOB.



Accessible Sites and Exterior Facilities (ADAAG 4.1.2)

- 3) Recommended installing a Detectable Warning Surface (DWS) on the sidewalk from Lot B toward MOB.



- 4) Deteriorated concrete sidewalk poses a tripping hazard and will be repaired.



Interior:

Space Allowance and Reach Ranges (ADAAG 4.2)

- 5) Security sign-in station: It is recommended that a table be permanently provided for ADA accessibility between 27in. - 34in. in height.



F&A Building:**Exterior:**

- 1) The new F&A entrance will be complete by March 2024.

**Interior:****Accessible Buildings: New Construction and Ramps (ADAAG 4.1.3, 4.8)**

- 2) It is recommended that a handrail be installed along ADA ramp at entrance/exit near security station.
(See picture on the left) ↓



- 3) The door from the F&A building to MOB will need to be replaced and/or calibrated to comply with opening and closing forces for ADA compliance. (Recommended 7-10lbs. pressure for door closure)

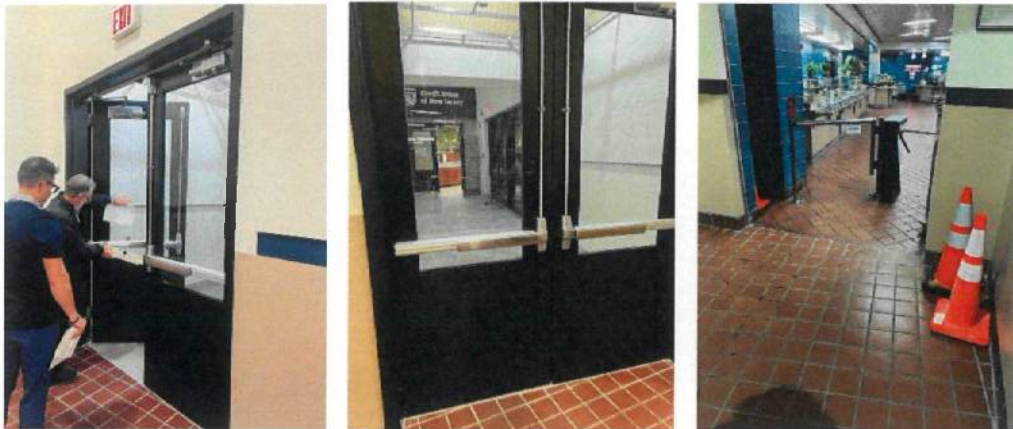
- 4) It is recommended that an additional handrail be installed along ADA ramp between MOB and F&A. (Handrail should be on both sides) (See picture on the right) ↑

E&O Building:

Cafeteria:

Automatic Doors and Power-Assisted Doors (ADAAG 4.13.12)

- 1) One automatic ADA accessible push-button door will be installed at the main entrance to the cafeteria.
- 2) The cafeteria entrance door (near Credit Union) will be replaced and calibrated to comply with opening and closing forces for ADA compliance. One automatic door ADA accessible push-button door will be installed.



Trenton Headquarters Overall Recommendations:

- 1) Restripe accessible parking spaces in front of MOB.
- 2) Install a detectable warning surface (DWS) on the sidewalk from Lot B towards MOB.
- 3) Provide permanent sign-in table at MOB security station for ADA accessibility between 27in. - 34in. in height.
- 4) Install a handrail along ADA ramp at entrance/exit near security station.
- 5) Install an additional handrail along ADA ramp between MOB and F&A
- 6) Install one automatic ADA accessible push-button door at each cafeteria entrances/exits.
- 7) Ensure opening and closing forces on all fire doors are ADA compliant.

Update: On October 30, 2023, automatic ADA accessible push-buttons were installed at cafeteria doors.

MOUNT ARLINGTON SITE INSPECTION



NORTH REGION HEADQUARTERS

July 14, 2023

Accessible Approach/Entrance of Building:

All individuals should be able to arrive on the site, approach the building, and have accessibility to facility. At least one route of travel should be safe and accessible for everyone, including those with disabilities.

Exterior:

Parking and Passenger Loading Zones (ADAAG 4.6)

- 1) An accessible parking sign will need to be tightened. Currently, part of the sign is off-centered.



Interior:

Accessible Buildings: Alterations and Elevators (ADAAG 4.1.6, 4.10)

- 2) The timing of the elevator doors is 6 seconds. The sensor to detect motion is malfunctioning. The elevator doors will need to be replaced and/or calibrated to comply with opening and closing times for ADA compliance.

Signage (ADAAG 4.30)

- 3) It is recommended that deaf individual(s) signage be installed on the first and second floors, near the elevator.



(First Floor)



(Second Floor)

4) ADA Room:

ADA Rooms have been installed in all regional locations. They comply with the requirements of the ADA by ensuring accessible accommodations for those with disabilities to administer medication. The room is also designated to serve as a lactation/pumping station for mothers.

Sinks (ADAAG 4.24)

- Recommend installing a sink for sanitary purposes.



- 5) There is a hole in the carpet on the second floor which may pose a tripping hazard. It is recommended that the carpet/floor be repaired to comply with ADA accessibility standards.



Mount Arlington Overall Recommendations:

- 1) The elevator doors will need to be replaced and/or calibrated to comply with opening and closing timing for ADA compliance.
- 2) Install deaf individual(s) signage near elevators on the first and second floors.
- 3) Install a sink in the ADA Room for sanitary purposes.
- 4) It is recommended that the carpet/floor on the second floor be repaired.



KNOWLTON TOURIST WELCOME CENTER/REST AREA



July 14, 2023

Accessible Approach/Entrance of Building:

Exterior:

Detectable Warnings (ADAAG 4.29)

- 1) There are four detectable warning surfaces (DWS) along the front of the building that should be replaced due to deterioration.

Parking and Passenger Loading Zones (ADAAG 4.6)

- 2) Accessible parking spaces should be repainted.



- 3) The overgrown vegetation needs to be treated across the entire facility. Specifically, the vegetation in between the sidewalk slabs in front of the building since this may pose a tripping hazard for pedestrians.



Curb Ramps and Detectable Warnings (ADAAG 4.7, 4.29)

- 4) The new ADA curb ramp near the accessible portable toilets will need to be extended, along with the DWS.



Doors (ADAAG 4.13)

- 5) The back entrance is non-compliant with current ADA requirements. The accessible push-button is currently not active.

**Interior:****Rest Rooms:****Toilet Stalls (ADAAG 4.17)**

- 6) Both women and men's rest room accessible stalls need to be extended outward to provide enough clear space for accessibility.



Knowlton Rest Area Overall Recommendations:

- 1) Install 4 detectable warning surfaces (DWS) in front of the building.
- 2) Restripe accessible parking spaces.
- 3) Treat the overgrown vegetation across the entire facility.
- 4) Extend the curb ramp and DWS near the accessible portable toilets.
- 5) Reactivate the accessible push-button for back entrance/exit.
- 6) Extend women and men's rest room accessible stalls to provide enough clear space for accessibility.

CHERRY HILL SITE INSPECTION

September 20, 2023



SOUTH REGION HEADQUARTERS

Accessible Approach/Entrance of Building:

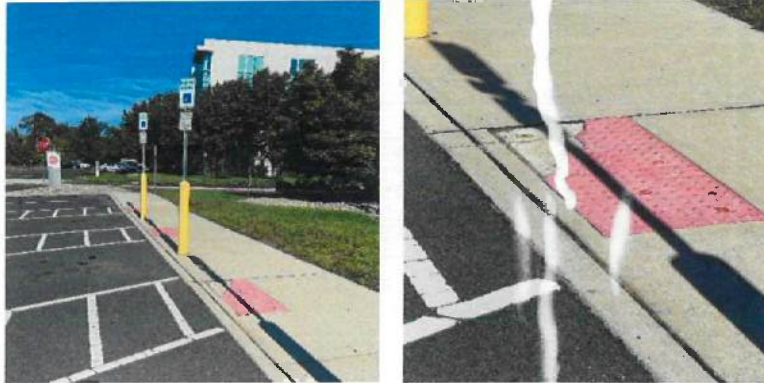
Exterior:

Doors (ADAAG 4.13)

- 1) The front entrance door will need to be replaced and/or calibrated to comply with opening and closing forces for ADA compliance. (Recommended 7-10lbs. pressure for door closure)

Accessible Sites and Exterior Facilities (AI AAG 4.1.2)

- 2) DWS mat will be replaced, it is chipped and is starting to deteriorate.



- 3) The front of the building has chipped/damaged concrete pads which could be a potential tripping hazard.



Parking and Passenger Loading Zones (ADAAG 4.6)

- 1) The accessible parking spots in the rear of the building will be extended to 18ft (length) for compliance with ADA requirements.



Doors (ADAAG 4.13)

- 2) The back entrance doors will need to be replaced and/or calibrated to comply with opening and closing forces for ADA compliance. The second set of doors of the back entrance need to be adjusted as well.

Interior:

- 3) The front entrance push-to-exit button is currently not working and should be replaced.
- 4) The door to the lunchroom will need to be replaced and/or calibrated to comply with opening and closing forces for ADA compliance.

Fixed or Built-in Seating and Tables (ADAAG 4.32)

- 5) Facilities staff mentioned they would add a shelf on the wall in the ADA Room to provide a flat surface for medication, etc.

Cherry Hill Overall Recommendations:

- 1) Replace the front entrance door and/or calibrate to comply with opening and closing forces for ADA compliance.
- 2) Replace DWS in front of the building.
- 3) Resurface concrete pads in front of the building.
- 4) Adjust accessible parking spots in the rear of the building to 18ft.
- 5) Replace the back entrance door and/or calibrate to comply with opening and closing forces for ADA compliance.

- 6) Reactivate the front entrance push-to-exit button.
- 7) Replace the door to the lunchroom and/or calibrate to comply with opening and closing forces for ADA compliance.
- 8) Install a shelf on the wall in the ADA/Lactation Room to provide a flat surface for individuals.

CARNEY'S POINT TOURIST WELCOME CENTER/ REST AREA



August 23, 2023

Accessible Approach/Entrance of Building:

Exterior:

Accessible Sites and Exterior Facilities (ADAAG 4.1.2)

- 1) It is recommended that the front/back entrances be made accessible for all users. Accessible push-button doors will be installed for ADA accessibility.

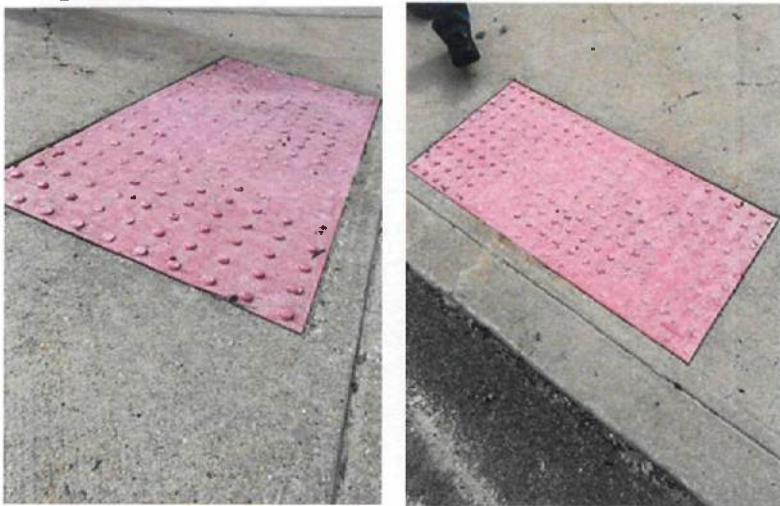


Doors (ADAAG 4.13)

- 2) There are two tripping hazards from outdated piping in front of the building in the concrete pads that should be repaired.

**Detectable Warnings (ADAAG 4.29)**

- 3) Detectable Warning Surfaces (DWS) in front of the building need to be replaced due to deterioration (2). There is one DWS in the back of the building that needs to be replaced as well. There are three DWS's in total that need to be replaced for compliance.



Parking and Passenger Loading Zones (ADAAG 4.6)

- 4) Accessible parking spaces need to be restriped.



Slope (ADAAG 4.3.7)

- 5) The concrete behind the second DWS in front of the building is steep for individuals using a wheelchair.

Curb Ramps (ADAAG 4.7)

- 6) It is recommended that the curb in front of the building be reconstructed to a depressed curb. Also, there will be yellow bollards placed around accessible parking signs (for protection and bright identification.)
- 7) Handicap signs on the accessible portable toilets will be replaced for greater visibility.



Fixed or Built-in Seating and Tables (ADAAG 4.32)

- 8) There are no ADA compliant picnic tables on the grounds. Facilities will add two picnic tables that are ADA accessible.



Interior:

Toilet Stalls (ADAAG 4.17)

- 9) Accessibility sign should be installed on the women's rest room ADA stall.



Signage (ADAAG 4.30)

10) ADA signage should be installed outside of the women's rest room.

**Carney's Point Rest Area Overall Recommendations:**

- 1) Resurface concrete pads in front of the building to eliminate tripping hazards.
- 2) Replace the three DWS's that have been identified to comply with Accessibility Standards.
- 3) Restripe accessible parking spots.
- 4) Reconstruct the curb in front of the building into a depressed curb.
- 5) Replace handicap signs on the accessible portable toilets.
- 6) Add two accessible picnic tables.
- 7) Add accessible signs to women's rest room. (Entrance and ADA stall)


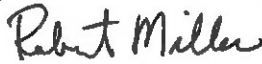


**APPENDIX G- NJDOT POLICIES AND PROCEDURES,
COMPLETE STREETS**

**DEPARTMENT OF TRANSPORTATION
POLICY**

Policy No. 703
Supersedes: 703 dated
8/7/89

Page 1 of 3

SUBJECT: Complete Streets Policy	Effective Date 12/03/2009	Commissioner Approval:  Sponsor Approval: Robert Miller  Contact Telephone #: 530-3855
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I. PURPOSE

To create and implement a Complete Streets Policy in New Jersey through the planning, design, construction, maintenance and operation of new and retrofit transportation facilities within public rights of way that are federally or state funded, including projects processed or administered through the Department's Capital Program.

II. DEFINITIONS

A Complete Street is defined as means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.

III. BACKGROUND

The benefits of Complete Streets are many and varied:

- Complete Streets improve safety for pedestrians, bicyclists, children, older citizens, non-drivers and the mobility challenged as well as those that cannot afford a car or choose to live car free.
- Provide connections to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities.
- Promote healthy lifestyles.
- Create more livable communities.
- Reduce traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions.
- Complete Streets make fiscal sense by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later.

IV. POLICY

The New Jersey Department of Transportation shall implement a Complete Streets policy through the planning, design, construction, maintenance and operation of new and retrofit transportation facilities, enabling safe access and mobility of pedestrians, bicyclists, transit users of all ages and abilities. This includes all projects funded through the Department's Capital Program. The Department strongly encourages the adoption of similar policies by regional and local jurisdictions who apply for funding through Local Aid programs.

**DEPARTMENT OF TRANSPORTATION
POLICY**

Policy No. 703

Page 2 of 3

SUBJECT: NJDOT Complete Streets Policy

Effective Date:
12/03/2009

1. Create a comprehensive, integrated, connected multi-modal network by providing connections to bicycling and walking trip generators such as employment, education, residential, recreational and public facilities, as well as retail and transit centers.
2. Provide safe and accessible accommodations for existing and future pedestrian, bicycle and transit facilities.
3. Establish a checklist of pedestrian, bicycle and transit accommodations such as accessible sidewalks curb ramps, crosswalks, countdown pedestrian signals, signs, median refuges, curb extensions, pedestrian scale lighting, bike lanes, shoulders and bus shelters with the presumption that they shall be included in each project unless supporting documentation against inclusion is provided and found to be justifiable.
4. Additionally, in rural areas, paved shoulders or a multi-use path shall be included in all new construction and reconstruction projects on roadways used by more than 1,000 vehicles per day. Paved shoulders provide safety and operational advantages for all road users. Shoulder rumble strips are not recommended when used by bicyclists, unless there is a minimum clear path of four feet in which a bicycle may safely operate. If there is evidence of heavy pedestrian usage then sidewalks shall be considered in the project.
5. Establish a procedure to evaluate resurfacing projects for complete streets inclusion according to length of project, local support, environmental constraints, right-of-way limitations, funding resources and bicycle and/or pedestrian compatibility.
6. Transportation facilities are long-term investments that shall anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements.
7. Address the need for bicyclists and pedestrians to cross corridors as well as travel along them. Even where bicyclists and pedestrians may not commonly use a particular travel corridor that is being improved or constructed, they will likely need to be able to cross that corridor safely and conveniently. Therefore, the design of intersections, interchanges and bridges shall accommodate bicyclists and pedestrians in a manner that is safe, accessible and convenient.
8. Design bicycle and pedestrian facilities to the best currently available standards and practices including the New Jersey Roadway Design Manual, the AASHTO Guide for the Development of Bicycle Facilities, AASHTO's Guide for the Planning, Design and Operation of Pedestrian Facilities, the Manual of Uniform Traffic Control Devices and others as related.

**DEPARTMENT OF TRANSPORTATION
POLICY**

Policy No. 703

Page 3 of 3

SUBJECT: NJDOT Complete Streets Policy

Effective Date
12/03/2009

9. Research, develop and support new technologies in improving safety and mobility.
10. Make provisions for pedestrians and bicyclists when closing roads, bridges or sidewalks for construction projects as outlined in NJDOT Policy #705 – Accommodating Pedestrian and Bicycle Traffic During Construction.
11. Improvements should also consider connections for Safe Routes to Schools, Safe Routes to Transit, Transit Villages, trail crossings and areas or population groups with limited transportation options.
12. Establish an incentive within the Local Aid Program for municipalities and counties to develop and implement a Complete Streets policy.
13. Improvements must comply with Title VI/Environmental Justice, Americans with Disabilities Act (ADA) and should complement the context of the surrounding community.
14. Implement training for Engineers and Planners on Bicycle/Pedestrian/Transit policies and integration of non-motorized travel options into transportation systems.
15. Establish Performance Measures to gauge success.

V. EXEMPTIONS

Exemptions to the Complete Streets policy must be presented for final decision to the Capital Program Screening Committee in writing by the appropriate Assistant Commissioner and documented with supporting data that indicates the reason for the decision and are limited to the following:

- 1) Non-motorized users are prohibited on the roadway.
- 2) Scarcity of population, travel and attractors, both existing and future, indicate an absence of need for such accommodations.
- 3) Detrimental environmental or social impacts outweigh the need for these accommodations.
- 4) Cost of accommodations is excessively disproportionate to cost of project, more than twenty percent (20%) of total cost.
- 5) The safety or timing of a project is compromised by the inclusion of Complete Streets.

An exemption other than those listed above must be documented with supporting data and must be approved by the Capital Program Committee along with written approval by the Commissioner of Transportation.

VI. AUTHORITY

N.J.S.A. Title 27

**APPENDIX H- NJDOT POLICIES AND PROCEDURES,
ACCOMMODATING PEDESTRIANS AND BICYCLE TRAFFIC
DURING CONSTRUCTION**



DEPARTMENT OF TRANSPORTATION POLICY

Policy No. 705

Supersedes: 1.4091

Page 1 of 5

**SUBJECT: Accommodating Pedestrian
and Bicycle Traffic During Construction**

Effective Date:
01-03-2000

Commissioner Approval: James Weinstein

Sponsor Approval: Pippa Woods

Contact Telephone #: 530-8082

I. PURPOSE

To establish a Policy in regard to accommodating pedestrian and bicycle traffic during construction.

II. DEFINITIONS

N.A.

III. POLICY

The Department is committed to increasing pedestrian and bicycle travel options by routinely integrating bicycle and pedestrian accommodations into transportation systems, and by promoting walking and bicycling as preferred travel modes for short trips. Under the Department's current procedures, bicycle and pedestrian needs and opportunities, (current and future), and the means by which those needs and opportunities are to be incorporated into projects, are identified during the planning and scoping phases of project development.

The Department's general bicycle and pedestrian policy obligates the Department to provide safe access for bicycle and pedestrian traffic during the construction phase of our capital improvements; however, it is recognized that construction related activities present an inconvenience and an impediment to the maintenance of traffic for all modes, including bicycle and pedestrian as well as motor vehicle traffic. It is not possible in all cases to spare the traveling public from such inconveniences and the resulting impediments to the maintenance of traffic during construction. The Department places a priority on the *completion* of permanent capital improvements that meet the needs of all lawful travel modes over the undertaking of costly and extraordinary measures during construction to maintain traffic for all modes. Such extraordinary measures not only consume scarce resources which could be used to implement permanent solutions to other needs, but they also could result in extending the duration of construction which extends construction related travel impacts to the traveling public and local stakeholders. A key means of mitigating construction related impacts for all modes is to lessen the duration of construction.

Decisions regarding the approach to maintain bicycle and pedestrian traffic during construction, as well as motorized traffic, will be made on a case by case basis to respond to the unique circumstances which are present for each and every project. They will be made in cooperation and consultation with affected

Policy

No. 705

SUBJECT:
**Accommodating Pedestrian and Bicycle Traffic
During Construction**

Effective Date:
01-03-2000

Page 2 of 5

residents and local public officials. Appropriate means of accommodating bicycle and pedestrian traffic during construction will be developed within the planning, scoping and design phases of project development and will become an integral element of the project construction plans.

In general,

- < Where construction activities affect a safe walking route to school, the Department will take aggressive measures to maintain safe accommodations for bicycle and pedestrian traffic during construction or will provide alternative means to ensure safe access for school and school related travel, e.g., accelerating construction schedules to complete construction during summer months when school is not in session.
- < Where there are pre-existing accommodations or facilities for bicycle and/or pedestrian traffic within the limits of a project, the Department will make every effort to maintain safe accommodations for bicycle and/or pedestrian traffic during construction where such efforts can be implemented at a reasonable cost and where those efforts will not unduly lengthen the duration of construction. Where unique circumstances render it infeasible to provide such accommodations, those unique circumstances shall be documented and alternative means for accommodating bicycle and pedestrian traffic through or around the construction area will be sought.
- < Where there are no pre-existing accommodations or facilities for bicycle and/or pedestrian traffic within the limits of a project, but there is evidence of pre-existing bicycle and/or pedestrian traffic, the Department will make every effort to maintain safe accommodations for bicycle and/or pedestrian traffic during construction where such efforts can be implemented at a reasonable cost and where those efforts will not unduly lengthen the duration of construction. Where circumstances render it infeasible to provide such accommodations, those circumstances shall be documented and reasonable alternative means for accommodating bicycle and pedestrian traffic through or around the construction area will be sought.
- < Where there are no pre-existing accommodations or facilities for bicycle and/or limited volumes of pedestrian traffic within the limits of a project, and it has been determined that there is no foreseeable demand or need to provide accommodations for bicycle and/or pedestrian travel as part of the project, then it would not be necessary to provide accommodations for bicycle and/or pedestrian traffic during construction.

Policy

No. 705

SUBJECT: Accommodating Pedestrian and Bicycle Traffic During Construction	Effective Date: 01-03-2000	Page 3 of 5
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- < Where bicycle and/or pedestrian travel are prohibited by law or regulation within the project limits, it would not be necessary to maintain bicycle and/or pedestrian traffic during construction.

Decisions regarding the nature and extent of accommodations to be provided to maintain bicycle and pedestrian traffic during construction will be based on the following:

- < The volume of pedestrian and bicycle traffic.
- < The nature and purpose of the trips being made
- < The distance of current pedestrian trips through the intended construction area, and the distance of potential alternate routes (during construction) for pedestrians.
- < The setting or location of the improvement, e.g., urban, suburban, rural, and the extent to which local residents rely on bicycling for trip making or have alternative means of personal transportation available.
- < The existence or availability and distance of alternative routes.
- < The exposure to hazard for bicycle and pedestrian traffic (traffic hazards and personal security) associated with alternative routes or alternative accommodations.
- < The cost associated with accommodations to maintain bicycle and pedestrian traffic (attributed solely to the maintenance of bicycle and pedestrian travel) as a proportion of total construction costs.
- < The absolute cost associated with accommodations to maintain bicycle and pedestrian traffic (attributed solely to the maintenance of bicycle and pedestrian travel).
- < The duration of construction, and, consequently, the duration of construction related traffic impacts.

Policy

No. 705

SUBJECT: Accommodating Pedestrian and Bicycle Traffic During Construction	Effective Date: 01-03-2000	Page 4 of 5
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- < Whether the duration of construction could be substantially shortened if accommodations to maintain pedestrian and bicycle traffic during construction were dispensed with, e.g., closing a facility entirely and compressing construction to three months or less.

- < The nature of the disruption or impacts to the local community, both social and economic, resulting from cessation of bicycle and pedestrian traffic during construction.

Measures considered for accommodating bicycle and pedestrian traffic during construction may include (but not be limited to) individually or in combination, the following:

- < Maintaining a protected travel path, either a pre-existing accommodation or a temporary accommodation, through the construction zone within existing right of way.
- < Maintaining access by staging construction in a way that provides a partial permanent (new) pedestrian/bicycle accommodation during portions of the construction.
- < Maintaining access by establishing a temporary protected travel path around the construction area through easements.
- < Establishing alternative routes of a reasonable length and directing bicycle and/or pedestrian traffic to those routes.
- < Providing alternate locations for the storage of construction materials or equipment to enable the establishment of a protected travel path for bicycle or pedestrian traffic through the construction zone within existing right of way.
- < Constructing separate temporary facilities such as a pedestrian and/or bicycle bridge to be utilized until permanent bicycle or pedestrian accommodations are completed.
- < Providing, paying for or subsidizing shuttle services.

Policy

No. 705

SUBJECT: Accommodating Pedestrian and Bicycle Traffic During Construction	Effective Date: 01-03-2000	Page 5 of 5
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IV. AUTHORITY

N.J.S.A. Title 27

APPENDIX I - TECHNICALLY INFEASIBLE FORM (TIF-1)



NEW JERSEY DEPARTMENT OF TRANSPORTATION

ADA Technically Infeasible Form

(Form used to document design decisions for non-compliance of pedestrian facilities)

Project Information

Submission Date: _____
 Project Name: _____
 Route Number: _____
 UPC Number: _____
 Mile Post Limits: _____

Municipality: _____
 County: _____
 Project Manager: _____
 Designer: _____
 Project Type: _____

Existing Conditions at Curb Ramp Location

Field Inspection Date: _____

(Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Curb Ramp | <input type="checkbox"/> Driveway |
| <input type="checkbox"/> Sidewalk | <input type="checkbox"/> Pedestrian Pushbutton |
| <input type="checkbox"/> Crosswalk | <input type="checkbox"/> DWS present |
| <input type="checkbox"/> Stop/Yield Control | <input type="checkbox"/> "No Peds" Sign |
| <input type="checkbox"/> Traffic Signal | <input type="checkbox"/> Decorative Pavers |

Provide information below:

Curb Height: _____ Sidewalk Width: _____
 Distance to Ped Pushbutton from Edge of Ramp: _____
 Distance to Ped Pushbutton from Gutter line: _____
 Height of Ped Pushbutton from Sidewalk: _____

Attach Existing Conditions Photos

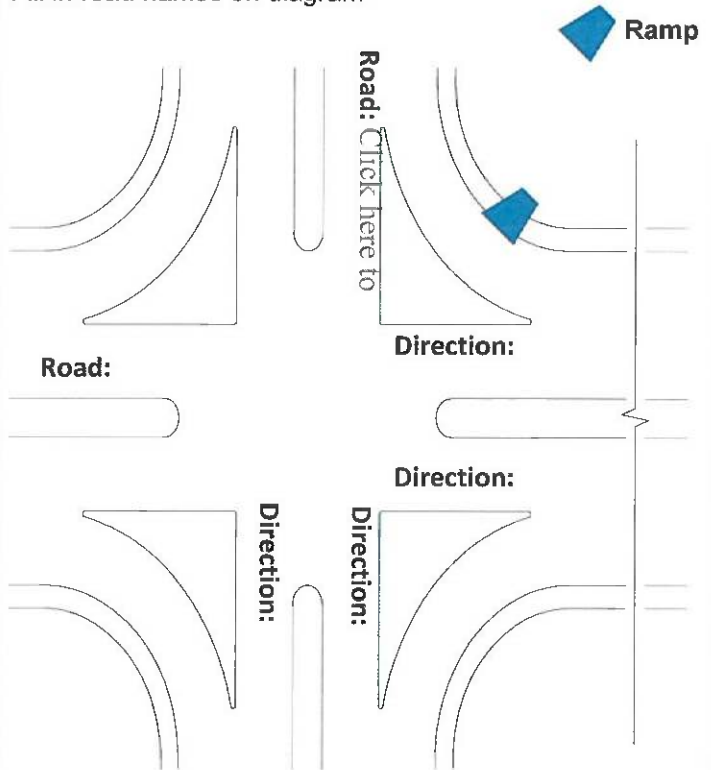
Justification for Technically Infeasible

- | | |
|--|----------------|
| <input type="checkbox"/> Existing Utilities | Specify: _____ |
| <input type="checkbox"/> Structures, Bldg, Vaults | |
| <input type="checkbox"/> Environmental Impacts | |
| <input type="checkbox"/> Historic Impacts | |
| <input type="checkbox"/> Safety | |
| <input type="checkbox"/> Roadway Profile Slope (Terrain) | |
| <input type="checkbox"/> Excess Exposure of Pole Foundations | |
| <input type="checkbox"/> Utility Pole | |
| <input type="checkbox"/> Manhole | |
| <input type="checkbox"/> Traffic Signal Pole | |
| <input type="checkbox"/> Junction Box | |
| <input type="checkbox"/> Stormwater Inlet | |

Location Identification

Curb Ramp location (draw on intersection below)

Fill in road names on diagram



Requirements Not Met

- | | |
|--|--|
| <input type="checkbox"/> Ramp Longitudinal Slope | |
| <input type="checkbox"/> If 15' Rule Applied, Specify Grade: _____ | |
| <input type="checkbox"/> Sidewalk Cross Slope | |
| <input type="checkbox"/> Ramp Flares Slope | |
| <input type="checkbox"/> 4' x 4' Clear Space Dimensions | |
| <input type="checkbox"/> Turning Space Dimensions | |
| <input type="checkbox"/> Turning Space Slopes | |
| <input type="checkbox"/> Pedestrian Pushbutton Location | |
| <input type="checkbox"/> Other: _____ Detectable warning surface | |

Explanation of Why Requirements Could Not Be Met

Attach Sketch of Proposed Curb Ramp (Best Fit) or ROW Layout



ADA Technically Infeasible Form (TIF) Instructions

The Technically Infeasible Form will be used for existing sites where it is technically infeasible to construct pedestrian facilities to fully meet current NJDOT standards. Ensure that this determination is made based on the impact aspects that are required in order to fully meet standards, and not the cost aspects. Specify each individual non-compliant curb ramp on a separate form. At the latest, this form must be submitted as part of the Final Design Submission (FDS).

Project type and scope will determine when existing site constraints justify the use of the Technically Infeasible Form. In certain situations, existing site constraints may justify the use of a design that provides access to the maximum extent feasible if removing the existing site constraints would require additional work that is not included as part of the project scope. See RDM - Section 5.

Project Information

Provide Submission Date, Project Name, Route Number, UPC, Federal Project Number, Mile Post Limits, Municipalities, Counties, Project Manager and Designer. Select Project Type from the pull down list provided. Project Types include New Construction, Reconstruction, Major Rehabilitation, Widening, Resurfacing, Signal Installation, and Pedestrian Signal Installation/Major Upgrades.

Existing Conditions

Provide field inspection date, date when existing conditions were observed. Check all the existing conditions that apply at facility location. Also provide the following information: Curb Height, Sidewalk Width, Distance to Pedestrian Pushbutton from gutter line and Height of Pedestrian Pushbutton from sidewalk.

Photos

Select appropriate, illustrative existing photographs to be included and attach.

Justification for Technically Infeasible

Provide justifications for technical infeasibility apply for the investigated facility (there can be more than one option checked). Items checked should not be included in the scope of the project.

Requirements Not Met

Provide ADA requirements that cannot be met as a result of the technically infeasible issues that were identified. In order not to chase the grade indefinitely, the curb ramp running slope should not exceed 15 feet. This is known as the 15' Rule. Specify the running slope achieved.

Explanation of Why Requirements Could Not Be Met

Provide a detailed description of the best fit curb ramp selected and the specific reasons that the ADA requirements could not be achieved (site constraints, physical terrain, etc.). Also specify if pedestrian pushbutton locations are not met as per the MUTCD.

Location Identification

Provide curb ramp location by drawing in the location of the curb ramp by hand or by moving and rotating the ramp symbol shown in blue. Also fill in the Main Road Route No. and Direction and Cross Road Name and Direction on the diagram.

Submission

Submit a hard copy and an electronic copy to NJDOT Roadway Standards. If there are any concerns, comments will be submitted to the designer.

**APPENDIX J- PEDESTRIAN AND BICYCLE FUNDING
OPPORTUNITIES: US DEPARTMENT OF
TRANSPORATION TRANSIT, SAFETY, AND HIGHWAY
FUNDS, SEPTEMBER 9, 2022**

Pedestrian and Bicycle Funding Opportunities: U.S. Department of Transportation Transit, Safety, and Highway Funds
 Key: \$ = Activity may be eligible. Restrictions may apply, see program notes and guidance. ~\$ = Eligible, but not competitive unless part of a larger project.

Activity or Project Type	OST Programs				Federal Transit										Federal Highway Administration															
	FAISE	INERA	RCP	SS4A	Thrive	RRIF	TIFA	FTA	ATI	TOD	AOP	402	405	BIP	CRP	CMAQ	HSIP	RHCP	NHPP	PRO	STBG	TA	RTP	SRTS	PLAN	NSBP	ELTTP	TTP	TTPSF	
Road Safety Assessment for pedestrians and bicyclists					TA																									
Safety education and awareness activities and programs to inform pedestrians, bicyclists, and motorists on ped/bike traffic safety laws																														
Safety education positions																														
Safety enforcement (including police patrols)																														
Safety program technical assessment (for ped/bicyclists)					TA																									
Separated bicycle lanes																														
Shared use paths / transportation trails																														
Sidewalks (new or retrofit)																														
Signs, signals, signal improvements (incl accessible pedestrian signals) see note																														
Signing for pedestrian or bicycle routes																														
Spot improvement programs (for pedestrian and bicycle facilities)																														
Stormwater impacts related to pedestrian and bicycle project impacts																														
Traffic calming																														
Trail bridges																														
Trail construction and maintenance equipment																														
Trail/highway crossings and intersections																														
Trailside/trailhead facilities (restrooms water work amenities)																														
Training																														
Training for law enforcement on ped/bicyclist safety laws																														
Tunnels / underpasses for pedestrians and/or bicyclists																														
Vulnerable Road User Safety Assessment																														

Abbreviations

ADA/504: Americans with Disabilities Act of 1990 / Section 504 of the Rehabilitation Act of 1973

RAISE: Rebuilding American Infrastructure with Sustainability and Equity

INRA: Infrastructure for Rebuilding America Discretionary Grant Program

RCP: Reconnecting Communities Pilot Program

SS4A: Safe Streets and Roads for All

Thrive: Thriving Communities Initiative (TA: Technical Assistance)

RRIF: Railroad Rehabilitation and Improvement Financing (loans)

TIFA: Federal Transit Administration Capital Funds

ATI: Associated Transit Improvement (1% set-aside of FTA)

TOD: Transit-Oriented Development

AOP: Areas of Persistent Poverty Program

NHTSA 402: National Highway Traffic Safety Administration State and Community Highway Safety Grant Program

NHTSA 405: National Highway Traffic Safety Administration National Priority Safety Programs (Nonmotorized safety)

BIP: Bridge Formula Program; BIP: Bridge Investment Program; BRK: Bridge Replacement and Rehabilitation Program

CRP: Carbon Reduction Program

CMAQ: Congestion Mitigation and Air Quality Improvement Program

HSIP: Highway Safety Improvement Program

RHCP: Railway-Highway Crossings (Section 130) Program

NHPP: National Highway Performance Program

PROTECT: Promoting Resilient Operations for Transformative, Efficient, and Cost Saving Transportation

STBG: Surface Transportation Block Grant Program

TA: Transportation Alternatives Set-Aside (formerly Transportation Alternatives Program, Transportation Enhancements)

RTP: Recreational Trails Program

SRTS: Safe Routes to School Program (and related activities)

PLAN: Statewide Planning and Research (SPR) or Metropolitan Planning funds

NSBP: National Scenic Byways Program

PLTTP: Federal Lands and Tribal Transportation Programs: Federal Lands Access Program, Federal Lands Transportation Program, Tribal Transportation Program, Federal Lands Planning Program and related programs for Federal and Tribal lands such as the National Significant Federal Lands and Tribal Protects Program.

TTP: Tribal Transportation Program

TTPSF: Tribal Transportation Program Safety Fund

Cross-cutting notes

This table indicates potential eligibility for pedestrian, bicycle, and micromobility activities and projects under U.S. Department of Transportation surface transportation funding programs. Activities and projects must meet program eligibility requirements. See notes and links to program information below. Although the primary focus of this table is stand-alone activities and projects, programs also fund pedestrian and bicycle facilities as part of larger projects. Project sponsors are encouraged to consider [Complete Streets and Networks](#) that routinely integrate the safety, accessibility, equity, and convenience of walking and bicycling into surface transportation projects. In these instances, the Federal-aid eligibility of the pedestrian and bicycle elements are considered under the eligibility criteria applicable to the larger highway project. Pedestrian and bicycle activities also may be characterized as environmental mitigation for larger highway projects, especially in response to impacts to a Section 4(f) property or work zone safety, mobility, and accessibility impacts on bicyclists and pedestrians.

See [FHWA Bicycle and Pedestrian Planning, Program, and Project Development \(Guidance\)](#)

- **Bicycle Project Purpose:** 23 U.S.C. 217(i) requires that bicycle facilities “be principally for transportation, rather than recreation, purposes”. However, 23 U.S.C. 133(b)(7) and 133(b) authorize recreational trails under [STBG](#) and the [TA Set-Aside](#); therefore, 23 U.S.C. 217(i) does not apply to trail projects (including for bicycle use) using [STBG](#) or [TA Set-Aside](#) funds. Section 217(i) applies to bicycle facilities other than trail-related projects, and section 217(i) applies to bicycle facilities using other programs ([NHPP](#), [HSIP](#), [CMAQ](#)). The transportation requirement under section 217(i) only applies to bicycle projects, not to any other trail use or transportation mode.
- Signs, signals, signal improvements includes ensuring accessibility for persons with disabilities. See [Accessible Pedestrian Signals](#). See also [Proven Safety Countermeasures](#), such as [Crosswalk Visibility Enhancements](#), [Leading Pedestrian Interval](#) signals, [Pedestrian Hybrid Beacons](#), and [Rectangular Rapid Flashing Beacons](#).
- Occasional DOT or agency incentive grants may be available for specific research or technical assistance purposes.
- Aspects of DOT initiatives may be eligible as individual projects. Activities above may benefit safe, comfortable, multimodal networks; environmental justice; and equity.
- The [DOT Navigator](#) is a resource to help communities understand the best ways to apply for grants, and to plan for and deliver transformative infrastructure projects and services.
- [FHWA’s Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America](#).
- [FHWA Links to Technical Assistance and Local Support](#).

Program-specific notes

Federal-aid and other DOT funding programs have specific requirements that projects must meet, and eligibility must be determined on a case-by-case basis. See links to program guidance for more information.

- [RAISE](#) (Infrastructure Investment and Jobs Act (Pub. L. 117-58) (IIJA), also known as the Bipartisan Infrastructure Law (BIL), § 21202): Funds capital and planning grants.
- [INERA](#) (IIJA § 11110): For projects that improve safety, generate economic benefits, reduce congestion, enhance resiliency, and hold the greatest promise to eliminate freight bottlenecks and improve critical freight movements.
- [RCP](#) (IIJA § 11509 and div. J, title VIII, Highway Infrastructure Programs, para. (7)): See [RCP Program Notice of Funding Opportunity](#) for full details. Planning grants and Capital Construction Grants must relate to a transportation facility that creates a barrier to community connectivity.
- [SS4A](#) (IIJA § 24112): Discretionary program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. Projects must be identified in a comprehensive safety action plan (§ 24112(a)(3)).
- [Thrive](#) (Department of Transportation Appropriations Act, 2022 (Pub. L. 117-103, div. L, title D): Technical assistance, planning, and capacity-building support in selected communities.
- [RRIF](#) (Chapter 224 of title 49 U.S.C.): Program offers direct loans and loan guarantees for capital projects related to rail facilities, stations, or crossings. Pedestrian and bicycle infrastructure components of “economic development” projects located within ½-mile of quarter mile rail stations may be eligible. May be combined with other grant sources.
- [TIP](#) (Chapter 6 of title 23 U.S.C.): Program offers [revolving loans](#), loan guarantees, or standby lines of credit for capital projects. Minimum total project size is \$10 million; multiple surface transportation projects may be bundled to meet cost threshold, under the condition that all projects have a common repayment pledge. May be combined with other grant sources, subject to total Federal assistance limitations.
- [FTA / ATB](#) (49 U.S.C. 5307): Multimodal projects funded with FTA transit funds must provide access to transit. See [Bicycles and Transit](#), [Flex Funding for Transit Access](#), the [FTA Final Policy Statement on the Eligibility of Pedestrian and Bicycle Improvements Under Federal Transit Law](#), and [FTA’s Policy on Bicycle-Related Funding Opportunities](#).
 - Bicycle infrastructure plans and projects must be within a 3-mile radius of a transit stop or station. If more than 3 miles, within a distance that people could be expected to safely and conveniently bike to the particular stop or station.
 - Pedestrian infrastructure plans and projects must be within a ½ mile radius of a transit stop or station. If more than ½ mile, within a distance that people could be expected to safely and conveniently walk to the particular stop or station.
 - FTA funds cannot be used to purchase bicycles for bike share systems.
- [FTA TOD](#): Provides planning grants to support community efforts to improve safe access to public transportation for pedestrians and cyclists. The grants help organizations plan for transportation projects that connect communities and improve access to transit and affordable housing, not for capital purchases.
- [FTA AOPP](#) (Further Consolidated Appropriations Act, 2020 (Pub. L. 116-94): Consolidated Appropriations Act, 2021 (Pub. L. 116-260)): Promotes multimodal planning, engineering, and technical studies, or financial planning to improve transit services in areas experiencing long-term economic distress, not for capital purchases.
- [NHTSA 405](#) (23 U.S.C. 402): Project activity must be included in the State’s Highway Safety Plan. Contact the [State Highway Safety Office](#) for details.
- [NHTSA 405](#) (23 U.S.C. 405): Funds are subject to eligibility, application, and award. Project activity must be included in the State’s Highway Safety Plan. Contact the [State Highway Safety Office](#) for details. The [Bipartisan Infrastructure Law](#) expanded the eligible use of funds for a Section 405 Nonmotorized Safety grant beginning in FY 2024; however, for FY 2023 grants, FAST Act eligible uses remain in place.
- [BIP](#) (IIJA, Div. J, title VIII, para. (1)), [BIP](#) (23 U.S.C. 124), [BRR](#) (Department of Transportation Appropriations Act, 2022): For specific highway bridge projects and highway bridge projects that will replace or rehabilitate a bridge must consider pedestrian and bicycle access as part of the project and costs related to their inclusion are eligible under these programs.
- [CRP](#) (23 U.S.C. 175): Projects should support the reduction of carbon dioxide emissions from on-road highway sources.

- **CMAAQ** (23 U.S.C. 149): Projects must demonstrate emissions reduction and benefit air quality. See the CMAAQ guidance at www.ftwa.dot.gov/environment/air_quality/cmaq/ for a list of projects that may be eligible for CMAAQ funds. CMAAQ funds may be used for shared use paths, but not for trails that are primarily for recreational use.
- **HSIP** (23 U.S.C. 148): Projects must be consistent with a State's [Strategic Highway Safety Plan](#) and (1) correct or improve a hazardous road location or feature, or (2) address a highway safety problem. Certain non-infrastructure safety projects can also be funded using HSIP funds as specified safety projects.
- **RHCP** (23 U.S.C. 130): Projects at all public railroad crossings including roadways, bike trails, and pedestrian paths.
- **NHPP** (23 U.S.C. 119): Projects must benefit National Highway System (NHS) corridors and must be located on land adjacent to any highway on the National Highway System (23 U.S.C. 217(b)).
- **PROTECT** (23 U.S.C. 176): Funds can only be used for activities that are primarily for the purpose of resilience or inherently resilience related. With certain exceptions, the focus must be on supporting the incremental cost of making assets more resilient.
- **STBG** (23 U.S.C. 133) and **TA Set-Aside** (23 U.S.C. 133(h)): Activities marked "SSRTS" means eligible only as an SRTS project benefiting schools for kindergarten through 12th grade. Bicycle transportation nonconstruction projects related to safe bicycle use are eligible under STBG, but not under TA (23 U.S.C. 217(a)). There is broad eligibility for projects under 23 U.S.C. 206, 208, and 217.
- **RTP** (23 U.S.C. 206): Projects for trails and trailside and trailhead facilities for any recreational trail use. RTP projects are eligible under TA Set-Aside and STBG.
- **SRTS** (23 U.S.C. 208): Projects for any SRTS activity. FY 2012 was the last year for dedicated - funds, but funds are available until expended. SRTS projects are eligible under TA Set-Aside and STBG.
- **PLAN** (23 U.S.C. 134 and 135): Funds must be used for planning purposes, for example: Maps; System maps and GIS; Safety education and awareness; for transportation safety planning; Safety program technical assessment for transportation safety planning; Training; bicycle and pedestrian system planning training.
- **NSBP** (23 U.S.C. 162): Discretionary program subject to annual appropriations. Projects must directly benefit and be close to a designated scenic byway.
- **ELTTP** (23 U.S.C. 201-204): Projects must provide access to or within Federal or tribal lands. Programs include: Federal Lands and Tribal Transportation Programs ([Federal Lands Access Program](#), [Federal Lands Transportation Program](#), [Federal Lands Planning Program](#)) and related programs for Federal and Tribal lands such as the [Nationally Significant Federal Lands and Tribal Projects \(NSFLTP\)](#) program.
 - [Federal Lands Access Program \(FLAP\)](#) (23 U.S.C. 204): For State and local entities for projects that provide access to or within Federal or tribal lands.
- **TTP** (23 U.S.C. 202): For federally-recognized tribal governments for projects within tribal boundaries and public roads that access tribal lands.
- **TTPSE** (23 U.S.C. 202(e)(1) and 23 U.S.C. 148(a)(4)): Grants available to [federally recognized Indian tribes](#) through a competitive, discretionary program to plan and implement transportation safety projects.