

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Herman Stockinger, Director
Office of Policy and Government Relations
4201 East Arkansas Avenue, Room 275
Denver, Colorado 80222
(303) 757-9772



To: All CDOT Employees

From: Heidi Bimmerle / Center for Equal Opportunity / Mary Frances Nevans *HB*

Re: Adoption of Policy Directive 605.0 "Comprehensive Accessibility for Persons with Disabilities"

Date: July 18, 2012

Background

This Policy Directive replaces prior Policy 605.0 with the same title "Comprehensive Accessibility for Persons with Disabilities" adopted by the Transportation Commission on July 15, 2004. At the request of the Federal Highway Administration, the Department reviewed its governing documents regarding Department-wide compliance with the federal Americans with Disabilities Act and state enabling statutes. The Transportation Commission adopted this Policy on June 21, 2012.

Rationale

This updated Policy, adopted by Resolution No. 2094 states that it is the policy of the Department to ensure that all new or existing Transportation Projects, Transportation Facilities, Building Facilities and all other Department services will be accessible to persons with disabilities. This reaffirms CDOT's commitment to adhere to the requirements of federal law regarding the Americans with Disabilities Act, a commitment that has been in place since 2004. Along with Policy 605.0, the Department has adopted a new Procedural Directive, 605.1, "ADA Accessibility Requirements in CDOT Transportation Projects," which implements this Policy Directive with regard to construction projects.

This Policy will be implemented by the Center for Equal Opportunity. The implementation will utilize Procedural Directive 605.1, CDOT's Comprehensive Accessibility Transition Plan, the ADA Title II Complaint Procedure, and any other methods that CDOT determines may be necessary.

Effective Date

This Policy Directive is effective July 3, 2012.

If you have questions, please contact the Center for Equal Opportunity Office (7-4142) or Mary Frances Nevans (7-9723).

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| COLORADO DEPARTMENT OF TRANSPORTATION | | <input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE |
| Subject | | Number |
| Comprehensive Accessibility for Persons with Disabilities | | 605.0 |
| Effective | Supersedes | Originating Office |
| 07/03/2012 | 605.0 / 07.15.04 507.0 / 12.17.09 | Center for Equal Opportunity |

I. PURPOSE

To ensure that all new or existing Transportation Facilities, Building Facilities and all other services of the Colorado Department of Transportation (“CDOT” or “Department”) are accessible to persons with disabilities in accordance with the authorities set forth herein and any other state or federal laws and regulations.

II. AUTHORITY

Colorado Transportation Commission, § 43-1-106(8)(a) C.R.S. (2011).

The Americans with Disabilities Act of 1990, Title II, 42 U.S.C. § 12101 (1990) (“ADA”)

The Rehabilitation Act of 1973, 29 U.S.C. § 794 (2006); § 504 (as amended)

The Civil Rights Restoration Act of 1987, 20 U.S.C. § 794, 42 U.S.C. § 2000d-4a, and 42 U.S.C. § 6101

28 CFR § 35

49 C.F.R pt. 27, (FHWA) Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefitting From Federal Financial Assistance

FHWA’s Memorandum Clarification of FHWA’s Oversight Role in Accessibility dated September 12, 2006 (http://www.fhwa.dot.gov/civilrights/memo/ada_memo_clarificationa.htm)

49 CFR 27, Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefitting From Federal Financial Assistance

Kinney v. Yerusalim, 9 F.3d 1067 (3d Cir. 1993), cert. denied, 511 U.S.C. 1033 (1994).

Note: Capitalized terms in this Policy are defined in Procedural Directive 605.1 “ADA Accessibility Requirements in CDOT Transportation Projects.”

III. APPLICABILITY

This Policy applies to all divisions, branches, regions and offices of the Colorado Department of Transportation (“CDOT” or “Department”) and any entity that receives funding from CDOT for all Transportation Projects, Transportation Facilities, Building Facilities, other services, and all local agency Transportation Projects that interface with Colorado state highways regardless of the funding source.

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| Subject Comprehensive Accessibility for Persons with Disabilities | Number 605.0 |
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IV. POLICY

It is the Policy of the Colorado Department of Transportation to ensure that all new or existing Transportation Projects, Transportation Facilities, Building Facilities and all other services of the Department are accessible to persons with disabilities in accordance with the authorities set forth herein and any other state or federal laws and regulations. This Policy shall be implemented through CDOT’s Comprehensive Accessibility Transition Plan, CDOT Procedural Directive 605.1 entitled “ADA Accessibility Requirements in CDOT Transportation Projects,” through the ADA Title II Complaint Procedure, and any other methods that CDOT determines may be necessary.

V. IMPLEMENTATION PLAN

1. This Policy shall be effective immediately upon approval by the Commission.
2. Policy 605.0 shall be implemented by the management of the Center for Equal Opportunity or the equivalent office.
3. The management of the Center for Equal Opportunity, or the equivalent office shall ensure within thirty (30) days that all CDOT divisions, branches, regions, and offices are aware of the Policy.
3. The Office of Policy and Government Relations shall post the Policy Directive on Public Announcements and on the CDOT Intranet within one (1) week of the effective date.
4. On or before December 30, 2012, CDOT shall have in place an updated ADA Transition Plan.
5. The Center for Equal Opportunity, or the equivalent office, shall ensure within thirty (30) days that all CDOT divisions, branches, regions and offices are aware of the Transition Plan, and shall post the Transition Plan on the CDOT website.

VI. REVIEW DATE

This policy shall be reviewed within five years of the effective date.

Norman J. Stockinger III

7-3-12

TRANSPORTATION COMMISSION
SECRETARY

Date of Approval