



ADA Transition Plan Requirements for recipients of MPO Federal Funding

The Palm Beach Metropolitan Planning Organization (MPO) hosted an Americans with Disabilities Act (ADA) Transition Plan Training Workshop on October 11th, 2018. The training was conducted by Dean Perkins, ADA Coordinator / Rest Area Program Manager for Florida Department of Transportation (FDOT) Central Office. This document summarizes the ADA Transition Plan requirements and consequences for inaction as they pertain to funding recipients of the Palm Beach MPO.

Under the [1973 Rehabilitation Act \(S. 504\)](#), all public organizations and agencies that receive federal funds are required to have a Transition Plan. Under the ADA, all state and local government entities must have an ADA Transition Plan, even if they have not received federal financial assistance.

All public agencies with 50 or more employees must:

- Designate an ADA Coordinator
- Adopt an ADA Grievance Procedure
- Conduct a Self-Evaluation
- Develop a Transition Plan as outlined in [28 CFR Section 35.10](#)
- Make the Transition Plan available for public inspection

All agencies with less than 50 employees must:

- Must meet the requirements of the Americans with Disabilities Act of 1990
- Conduct a Self-Evaluation
- Have a plan to make facilities ADA-accessible

An ADA Transition Plan is designed to help a local agency get into compliance with federal law. A good Transition Plan has four main elements:

1. **Identify Obstacles:** a Transition Plan identifies all obstacles that limit access to transportation services.
2. **Describe Methods:** a Transition Plan describes the methods, in detail, that will be used to make corrections to the identified obstacles.
3. **Specify Schedule:** a Transition Plan puts a schedule in place to improve existing facilities by prioritizing the needs of persons with disabilities.
4. **Indicate Official Responsible:** a Transition Plan identifies an individual who will be responsible for ensuring that the Transition Plan is implemented.

While creating a Transition Plan, agencies must provide the opportunity for persons outside of the agency to participate in the process. Once finished, plans must be made available for public inspection. The plan must be periodically updated until all accessibility obstacles are removed.

No Transition Plan is required for the Palm Beach MPO. The main requirement for the MPO is to ensure MPO services are accessible to the general public (i.e., their customers). This could mean providing accessible facilities where the services are provided or creating multiple ways their services are provided (i.e., curb services, alternate formats, mail-in forms, online services, etc.). The MPO is also responsible for inquiring if local agencies have a Transition Plan before allocating federal funding to an agency. The MPO should also act as a resource to local agencies to help bring them into compliance.

Under the stewardship agreement with FHWA, FDOT is responsible for overseeing local agencies' use of federal funds. The FDOT/FHWA [Sub-recipient Compliance Assessment Tool](#) (SCAT) program is intended to be a standardized method to determine if local agencies have the necessary resources and meet the set criteria for using federal funds for their transportation projects and programs.

The SCAT process includes FDOT asking to see a local agency's ADA transition plan. The Department of Justice is the only organization that has the authority to approve or disapprove transitions plans, but FDOT does have the knowledge and experience to review plans and if necessary, provide support and resources needed to help the local agency improve their plan so it meets the minimum requirements of an ADA Transition Plan.

If a local agency's ADA Transition Plan is found to not meet the minimum requirements the MPO should provide resources and assist the local agency to improve their plan.

For projects conducted where multiple agencies could be considered responsible for the design, all agencies share responsibility for complying with state and federal regulations, but the primary responsibility for ensuring compliance is on the agency who "owns" the facility or service where the project occurs.

Example: if a local agency conducts a project on the state highway system (a LAP project), both the state and local agencies are responsible for complying with the ADA. FDOT would need to ensure the local agency complied with the regulations and standards so FDOT would not be liable for any non-complying issues. The same would be true if FDOT conducted a project on a local facility; the local agency would need to oversee the FDOT work to avoid their liability. For transit facilities, there should be an agreement between parties as to whom is responsible for what for a bus stop. All authority for approving bus stops in the state lies with local agencies, even on the state highway system. (See [Ch. 337.408 F.S.](#))

The Department of Justice through Project Civic Access is recommitting at the federal level to enforce compliance. At the local level, state DOTs are beginning to inspect sub-recipients Transition Plans as part of the local agency program certification process. Not having a Transition Plan leaves the agency vulnerable to litigation or having federal funding withheld.