


 Check out  
 the video


## Civil Rights Americans with Disabilities Act **Disability Protections**

[www.fhwa.dot.gov/federal-aidessentials](http://www.fhwa.dot.gov/federal-aidessentials)

*Compliance with certain Federal regulations ensures your Federal-aid projects accommodate people with disabilities*



The ability to fully participate in all civic, social, and personal aspects of our lives is a fundamental right for all individuals in the United States traversing our public rights-of-way.

However, careful attention and consideration is often necessary to ensure that these rights apply equally to individuals with disabilities. For more than 38 years, the Federal government has sought to ensure nondiscrimination, participation and accessibility for everyone.



As a remedy, Congress passed two significant pieces of civil rights legislation:

- Section 504 of the Rehabilitation Act of 1973, commonly referred to as 504, and
- The Americans with Disabilities Act of 1990, also known as ADA.

Both of these laws help to provide disability protections.

Their purpose is to guarantee that all people with disabilities can take part in, and benefit from, the programs, services and activities offered in your community. In other words, as the local public agency (LPA), it is your responsibility to make sure that individuals with disabilities have equivalent access to participate.

Before we go any further, let's make sure you understand why there are two laws. While the purpose of both ADA and 504 provide similar protections, they differ in that Section 504 applies only to those public entities that receive Federal financial assistance. On the other hand, the ADA applies to all entities, both public and private, regardless of funding source.

Please remember, your most important responsibility, under either of these two laws, is to eliminate discrimination and ensure accessibility to programs, services and activities in your community for persons with disabilities.

As an LPA, the ADA Title II specifically requires confirmation that all programs, services and activities, when viewed in their entirety, are accessible to people with disabilities.

The term “disability” includes:

- Mobility-related physical disabilities
- Hearing or vision disabilities
- Cognitive disabilities
- Any other disability recognized by the ADA

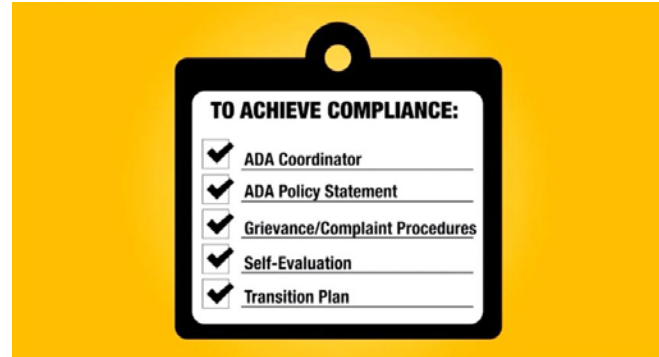
Providing accessible programs and services means the removal of all barriers that hamper the ability of persons with disabilities to fully participate in the civic, social or personal aspects of their lives within your community. This means not only access to public buildings, but also access to public rights-of-way. Your public right-of-way system is an example of a program that must be accessible for individuals with disabilities. The public right-of-way system is the network of streets and sidewalks that create public pedestrian access within your jurisdictional boundaries.

This system includes, but is not limited to:

- Sidewalks
- Entrance and curb ramps
- Designated parking spaces

Also, you are required to confirm that your policies and procedures are not discriminatory for individuals with disabilities.

Simply stated, confirm that all barriers that limit participation by individuals with disabilities are removed -- to level the playing field.



To do this, the laws outline specific implementation requirements and actions you are to take within your community to ensure that individuals with disabilities are able to fully participate. One specific requirement of these laws is to execute the following series of steps to eliminate disability discrimination and achieve compliance with these laws:

1. Designate an ADA coordinator
2. Develop and post an ADA policy statement
3. Develop and post grievance-complaint procedures
4. Complete a self-evaluation of policies, services, communications, programs, and activities and their effects on persons with disabilities
5. When structural changes to existing facilities are necessary, develop and carry out a transition plan in order to make a program, service or activity accessible to persons with disabilities.

In summary, compliance with the requirements of ADA and 504 to ensure accessibility for individuals with disabilities saves you the time, effort, and money associated with complaints, grievances and even litigation. Ultimately, compliance will create a community where all people, including individuals with disabilities, are able to exercise their right to full participation.

### Web Resources

- FHWA position on ADA implementation and Section 504  
[http://www.fhwa.dot.gov/civilrights/programs/ada\\_sect504qa.htm](http://www.fhwa.dot.gov/civilrights/programs/ada_sect504qa.htm)
- Discussion of major changes in ADA standards for accessible design  
<http://www.ada.gov/regs2010/ADAREgs2010.htm>
- Access Board ADA standards for accessible design for transportation facilities  
<http://access-board.gov/ada-aba/ada-standards-dot.cfm>
- Dept of Justice ADA standards for accessible design  
<http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#titleI>
- Current text of the ADA of 1990, including changes from ADA Amendments Act of 2008  
<http://www.ada.gov/pubs/ada.htm>
- Text of Rehabilitation Act as amended  
<http://www.access-board.gov/enforcement/Rehab-Act-text/intro.htm>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH63-11-F-00066 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This companion resource is the script content for the video production of the same name.