



Americans with Disabilities Act Title II Transition Plan

March 2023

V.2.2

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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



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March, 2023

The Americans with Disabilities Act (ADA) of 1990 was conceived with the goal of integrating people with disabilities into all aspects of life, with Transportation playing a key role in its fulfillment.

The U.S. Census Bureau reported that the overall percentage of New Hampshire residents with a disability was 12.6%. This means that 175,800 of 1,395,200 people have one or more disabilities. This does not take into account persons with temporary disabilities due to an accident or sickness. These statistics underscore the need to ensure physical accessibility is consistent statewide. As Commissioner of the New Hampshire Department of Transportation (NHDOT), I believe it is the duty of this department to develop and implement a plan to meet that need. To assure that appropriate program measures are implemented, monitored and updated, I have designated Sandt Michener as the Department's ADA Title II Coordinator. Mr. Michener can be reached by telephone at [\(603\) 271-3736](tel:6032713736) or by email at sandt.d.michener@dot.nh.gov.

This document serves as the guideline to ensure that NHDOT rights-of-way, including sidewalks, curb ramps, and crosswalks — are accessible to and usable by people of all abilities. The Transition Plan articulates the current state of accessibility of NHDOT assets and provides a clear path to make its assets accessible to everyone. NHDOT is committed to meeting the requirements of the ADA for the benefit of all who live in, work in, or visit New Hampshire.

A handwritten signature in blue ink that reads "William Cass".

William Cass
Commissioner

Introduction

Transportation excellence enhancing the quality of life in New Hampshire is the mission of the New Hampshire Department of Transportation (NHDOT). This document is intended to serve as a guide to further the mission, purpose and vision of NHDOT by outlining key actions for making the State-managed transportation system accessible to individuals with disabilities. Furthermore, this Transition Plan is intended to serve as an operating document to fulfill the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

Purpose of NHDOT

Transportation excellence in New Hampshire is fundamental to the state's sustainable economic development and land use, enhancing the environment, and preserving the unique character and quality of life. The department will provide safe and secure mobility and travel options for all of the state's residents, visitors, and goods movement, through a transportation system and services that are well maintained, efficient, reliable, and provide seamless interstate and intrastate connectivity.

Vision of NHDOT

Transportation in New Hampshire is provided by an accessible, multimodal system connecting rural and urban communities. Expanded transit and rail services, a well-maintained highway network and airport system provide mobility that promotes smart growth and sustainable economic development, while reducing transportation impacts on New Hampshire's environmental, cultural, and social resources. Safe bikeways, sidewalks, and trails link neighborhoods, parks, schools, and downtowns. Creative and stable revenue streams fund an organization that uses its diverse human and financial resources efficiently and effectively.

Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law that prohibits discrimination in access to government services, public transportation, jobs, public accommodations and telecommunications on the basis of disability. As required by Title II of the ADA, [28 CFR. Part 35 Sec. 35.105](#) and [Sec. 35.150](#), NHDOT has conducted a self-evaluation of its facilities and has developed this Transition Plan detailing how the organization will ensure all of its facilities, services, programs and activities are accessible to all individuals.

NHDOT's Transition Plan will guide the planning and implementation of necessary program, activity and facility modifications. NHDOT maintains more than 4,500 miles of roads and 2,100 bridges statewide. As these roads and bridges undergo alterations, the associated pedestrian facilities will be upgraded to current ADA standards to the maximum extent feasible. Additional improvements will be made with separate projects and internal work forces to complete the plan in a timely manner. NHDOT-owned buildings to which the public has access will also be upgraded. Given the complexity and need for a deliberate effort to follow through on the department's self-evaluation, this document sets forth all of the elements contemplated and/or completed to establish a final and executable multi-year Transition Plan. This work will result in a restated NHDOT commitment to the development and maintenance of policies, programs, and facilities that ensure equal access to all.

Limitations

Many challenges exist in reaching full compliance with the ADA. To the maximum extent feasible, upgrades will occur as alterations to the existing rights-of-way and building facilities are made. Working within the limits owned by NHDOT, and completing construction within the physical constraints of each project or facility NHDOT may find it impossible to accomplish a fully compliant solution. Every reasonable effort will be made to remove all required barriers and provide easy access to the transportation facilities over which the department has control. In addition, attempts will be made to work with other public right-of-way owners and adjacent property owners to determine the best solution for each area.

Transition Plan Management

NHDOT's transition plan will receive routine updates every two years commensurate with the Ten-Year Plan (TYP), State Transportation Improvement Program (STIP) and State budget. To streamline plan updates and keep the document current and relevant, appendices will be updated continuously as barriers are removed and as new information is available. These updates are not meant to alter the intent of the transition plan. The update schedule may be altered at the discretion of NHDOT based on changes in guidance from the United States Access Board, Federal policy, and NHDOT policy. NHDOT's Transition Plan is available for continual public inspection through the [NHDOT website](#) and at the [Office of Federal Compliance website](#).

Federal and State Accessibility Requirements

a.) Americans with Disabilities Act

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990 and provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications. The ADA is companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. With respect to public entities, the ADA mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The ADA also provides disabled employees with certain protections and requires employers to make reasonable accommodation for disabled applicants and employees. The ADA is divided into five parts, covering the following areas:

Title I: Employment

Employers, including governmental agencies such as NHDOT, must ensure their practices do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, discharge of an employee, or other terms and conditions of employment.

Title II: Public Services

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, NHDOT must comply with this section of the ADA as it specifically applies to state public service agencies and state transportation agencies. Title II of the ADA provides that, “...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#))

Title III: Public Accommodations

Title III requires places of public accommodation to be accessible to and usable by persons with disabilities. The term “public accommodation” as used in the definition is often misinterpreted as only applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility open to and/or used by the public.

Title IV: Telecommunications

This title covers regulations regarding private telephone companies, and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunication relay services to individuals with hearing and speech impairments.

Title V: Miscellaneous Provisions

Title V contains several miscellaneous regulations, including construction standards and practices, provisions for attorney fees, and technical assistance provisions. The Department of Justice’s [DOJ] established implementing regulations for Title II of the ADA which specify in relevant part that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination requirements of ADA. See [28 C.F.R. Sec. 35.105](#). The DOJ

regulations were issued in July 1991 and have been revised from time to time to reinforce the essential requirements of the law. These DOJ regulations mandate that each public entity is required to examine activities and services and identify problems that may limit accessibility for persons with disabilities. The entity must then proceed to make the necessary changes resulting from the Self-Evaluation. The DOJ regulations implementing Title II of the ADA further require that a Transition Plan be prepared to describe any structural or physical changes required to make programs accessible.

b.) ADA and its Relationship to Other Laws

Title II of the ADA is companion legislation to two previous Federal statutes and regulations: the [Architectural Barriers Act of 1968](#) and [Section 504 of the Rehabilitation Act of 1973](#).

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive Federal funding or not.

When addressing accessibility needs and requirements, it is important to note that the ADA and Title II **do not** supersede or preempt state or local laws that may offer **equivalent** or **greater** protections.

c.) Under Title II, NHDOT must meet these general requirements:

- Operate its programs so that, when viewed in its entirety, the programs are accessible to and useable by individuals with disabilities ([28 C.F.R. Sec. 35.150](#)).
- Not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability ([28 C.F.R. Sec. 35.130 \(a\)](#)).
- Make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result ([28 C.F.R. Sec. 35.130\(b\) \(7\)](#)).
- Not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate

or different measures are necessary to ensure that benefits and services are equally effective ([28 C.F.R. Sec. 35.130\(b\)\(iv\) & \(d\)](#)).

- Take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others ([29 C.F.R. Sec. 35.160\(a\)](#)).
- Designate at least one responsible employee to coordinate ADA compliance ([28 CFR § 35.107\(a\)](#)). This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA Coordinator's name, office address, and telephone number to all interested individuals ([28 CFR § 35.107\(a\)](#)).
- Provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons ([28 CFR § 35.106](#)). The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis ([28 CFR § 104.8\(a\)](#)).
- Establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints ([28 CFR § 35.107\(b\)](#)). This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the Federal complaint process.

d.) New Hampshire Accessibility Requirements

The New Hampshire Governor's Commission on Disability (NHGCD) was created pursuant to [RSA 275-C](#) and is a State of New Hampshire agency that serves people with cross-disabilities, advises the Governor, Legislature, and other state agencies regarding disability-related compliance, and provides assistance with the Americans With Disabilities Act (ADA) and other disability law compliance. NHGCD is organizationally structured directly within the Office of the Governor, with its Chair and Commission Members appointed by the Governor. The Commission Members afford all

of us a breadth of institutional knowledge and real-life experiences applicable to those with a disability in a host of venues.

NHGCD is the designated agency for the federally-funded [Client Assistance Program](#) and is the housing agency for the federally-mandated Statewide Independent Living Council. Further, NHGCD administers the [Telecommunications Equipment Assistance Program](#), which provides for access to telephone service for qualified individuals with a disability and is the recipient for an annual appropriation that funds [Newslines for the Blind](#), an online service guaranteeing access to newsprint for those who are blind or have low vision.

Program Staffing/Workgroup

The Commissioner of the NHDOT is ultimately responsible for implementation of the transition plan and has the authority to direct resources and activities necessary to carry out the plan. Managing and implementing the NHDOT ADA Transition Plan requires a multidisciplinary approach encompassing policy development, outreach, technical support and oversight. These responsibilities, required by [28 CFR 35.107](#), are managed by the ADA Title II Coordinator, Administrator of Federal Compliance, Pavement Section Group Leader, Director of Policy and Administration, Assistant Director of Project Development, Administrator of the Bureau of Highway Design, Administrator of Bureau of Traffic, Administrator of Asset Management, Performance and Strategies, and Supervisor of Systems Planning.

The ADA Title II Coordinator is Sandt Michener (see [Appendix A](#) for contact information) and his office is located in the Office of Federal Compliance under the direction of the Director of Policy and Administration. The ADA Coordinator is responsible for addressing complaints and, if necessary, conducting investigations as they are received and tracking the overall progress of the implementation of the Transition Plan. The ADA Coordinator is also responsible for developing policies and procedures to integrate Title II requirements into NHDOT practices to ensure the obligations of ADA and the Transition Plan are met.

Support is provided by the Final Design section of Bureau of Highway Design and work with the ADA Coordinator to develop policy and provide technical support for design and construction at a project level. In addition to providing support for projects, the ADA Coordinator assists in implementing design options that address accessibility complaints.

An ADA Transition Plan workgroup was formed in 2013 and met intermittently to address pedestrian infrastructure deficiencies. Upon release of the FHWA's *Technical Assistance on the ADA Requirements to Provide Curb Ramps Through Resurfacing*, the workgroup began meeting on a regular basis. In late 2014, the workgroup began meeting with the intent of updating the NHDOT ADA Transition Plan and begin a self-evaluation of its facilities. In mid-2015, upon hiring the Federal Programs Specialist/ADA Coordinator, the group was meeting weekly to address ADA issues affecting the department in addition to the ADA Transition Plan update.

In 2020, Six ADA Sub-Coordinators were designated in each of the NHDOT Maintenance Districts to capture more compliance issues closer to the source and in a timely manner. The District Coordinators' local knowledge is leveraged to more efficiently resolve ADA issues.

Please refer to [Appendix A](#) for contact information.

Work Group Accomplishments

- Partnered with University of New Hampshire Technology Transfer (UNH T²) to develop a State Asset Data Exchange System (SADES) module for the collection of inventory data collection. SADES is a cloud-based solution to effectively and uniformly collect critical infrastructure data on a statewide level that provides specifications, methods, training and data exchange services for all stakeholders. NHDOT leveraged the SADES program to collect sidewalk, curb ramp, crosswalk and Accessible Pedestrian Signals (APS) data and take advantage of assets collected by Regional Planning Commissions (RPCs).
- Completed SADES inventory of NHDOT-owned sidewalks, curb ramps, crosswalks and APS in fulfillment of the department's self-evaluation.

- Contracted for standard drawings of curb ramps and sidewalks.
- Developed means of QA/QC of SADES inventory data.
- Established criteria for prioritization and analysis of SADES data.
- Incorporated ADA compliance awareness in outreach trainings, webinars and sub-recipient reviews conducted by the NHDOT Office of Federal Compliance.
- Cultivated relationships in the disability community and solicited input for the Transition Plan and NHDOT projects.
- Completed ADA inventory of NHDOT-owned facilities such as offices, park and rides, transportation centers, rest areas, E-ZPass walk-in centers and welcome centers in fulfillment of the department's self-evaluation.

Grievance Procedure

Under the ADA, users of NHDOT facilities and services have the right to file a grievance if they believe the department has not provided reasonable accommodation.

The Grievance Procedure, required by [28 CFR 35.107](#), can be found in [Appendix B](#) of this report and on the NHDOT website and provides details on how to file a complaint. Under the Grievance Procedure, a formal complaint must be filed within 180 calendar days of the alleged occurrence. NHDOT will act or respond only to complaints made through this grievance process.

Communications

According to [Section 35.160\(a\) of the ADA](#), "...A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others." This means that NHDOT is required to provide equally effective communication to individuals with disabilities. Equally effective communication can be provided by offering alternative

formats, auxiliary aid(s) and/or services upon request. For example, American Sign Language (ASL) interpreters are hired, as requested, for people who are deaf or hearing impaired.

Website Communications

The New Hampshire Department of Information Technology (DoIT) has the responsibility to maintain standard state communication processes, tools and guidelines. This will enhance end user accessibility to state information systems and ensure that all users have reasonable access to the information they need.

- State of New Hampshire Website Accessibility Standards (See [Appendix C](#))
- State of New Hampshire Website Accessibility Policy (See [Appendix C](#))

By following these guidelines, New Hampshire State websites will meet, to the maximum extent feasible, current ADA standards.

Public Involvement

NHDOT recognizes that broad public participation is essential to the development of New Hampshire's transportation system. As required by the ADA and NHDOT's public participation guidance, any public meeting, hearing or comment period held by NHDOT is accessible. NHDOT provides qualified ASL interpreters upon request and will provide documents in an accessible electronic format or other alternative formats, such as large print or Braille. All public notices shall contain contact information for accommodation requests.

Public meetings, trainings, programs and other events must be held in an accessible location and indicated on the meeting notice. Project managers and other staff are directed to use the NHDOT Bureau of Planning and Community Assistance guidelines for public participation and the [Department of Justice Guide to Conducting Accessible Meetings](#) to assist in planning public meetings.

NHDOT, through the ADA Coordinator, has conducted outreach to solicit comment concerning its self-evaluation and Transition Plan update by working with organizations serving people with disabilities including, but not limited to:

- New Hampshire Governor's Commission on Disability.
- Services for Blind & Visually Impaired, Department of Education.
- Brain Injury Association of New Hampshire.
- Granite State Independent Living.
- Disabilities Rights Center.
- Future in Sight, formerly New Hampshire Association for the Blind.
- New Hampshire Council on Developmental Disabilities.
- New Hampshire Speech, Language & Hearing Association.
- Crotched Mountain ATECH Services.
- Community Bridges.
- Northeast Deaf & Hard of Hearing Services.

In addition, all New Hampshire media, including dailies, weeklies, TV and Radio were sent press releases on the Transition Plan. All NHDOT bureaus were also notified and notices have been posted on the NHDOT website.

A public forum to discuss the Transition Plan was held on 12 September 2016 at NHDOT's Morton Building.

As the ADA Transition Plan is a living document, NHDOT will amend the Transition Plan based on ongoing input from the disability community and other stakeholders.

A current and approved version of the ADA Transition Plan will be posted on the NHDOT website for public viewing.

Outreach to New Hampshire Municipalities

There are 234 municipalities in New Hampshire, of which approximately 120 towns and cities have more than 50 employees.

- Any public entity with 50 or more employees is required to complete a self-evaluation and a transition plan.
- Public entities with fewer than 50 employees must still demonstrate a commitment to removing barriers under Section 504.

Outreach efforts are ongoing, through the ADA Coordinator, to inform towns of their obligations under Section 504 to complete a self-evaluation to remove barriers and develop a transition plan, if required. The department is working closely with the New Hampshire Municipal Association, Regional Planning Commissions and Technology Transfer at UNH to educate, train and provide the tools necessary to assist municipalities to meet objectives of Section 504.

Sub-Recipient Assurances to FHWA

Under the Title VI program, NHDOT is identifying and reviewing relevant sub-recipients as to their overall compliance with the non-discrimination provisions that FHWA enforces. NHDOT's Office of Federal Compliance is charged with focusing on the revisions needed to ensure compliance with the requirements of the ADA, including self-evaluation and Transition Plan completion, if applicable. Federally funded Local Public Agency (LPA) construction projects are also monitored to ensure ADA compliance. NHDOT will use its policy statement as a model for the type of assurances that are expected from sub-recipients. NHDOT provides training on its expectations through outreach and also monitors compliance with these agreements.

Self-Evaluation

NHDOT, as required by Title II of the ADA, maintains a self-evaluation of physical assets and current policies/practices. NHDOT has identified the following general areas that need to be included in the transition plan inventory database: sidewalks within the NHDOT Public Right-of-Way, curb ramps, crosswalks, pedestrian signals, rest areas, transportation centers,

park and rides and NHDOT offices. As inventories are completed/updated, they will be included in appendices of the Transition Plan and serve as an important tool to assist in project programming, scoping, development and implementation. The department-wide inventory for this transition plan was initiated in 2013, and the inventory database will be continually updated as facilities are added to the inventory or brought up to ADA compliance. The accessibility parameters assessed for the inventory are primarily derived from the latest draft of the Public Rights-of-Way Accessibility Guidelines (PROWAG). The latest publication of [PROWAG](#) can be retrieved from the United States Access Board's website.

NHDOT is committed to addressing the barriers identified in the self-evaluation. As the self-evaluation is completed and updated, fixed work sites that are non-compliant will be prioritized and programmed; either in an upcoming adjacent project or within a newly created ADA transition plan programmatic project that is within the NHDOT Ten Year Plan (TYP), Capital Budget or Operating Budget. With the existing condition of the noncompliant facilities identified thus far in the self-evaluation, the department is considering a timeframe of approximately ten years to make fixed work sites fully compliant to the maximum extent feasible. This timeframe would require districts to address non-compliant facilities at a rate of approximately one tenth of the current inventory per year over the next ten years. The funding and scheduling of accessibility improvements will continue concurrent with the NHDOT TYP.

Fixed Work Sites

NHDOT owns and leases numerous buildings throughout the state. Those buildings open to the public have been evaluated for potential accessibility improvements and have been added the transition plan inventory:

- [John O. Morton Building](#)
- [Materials and Research facility](#)
- [Mechanical Services facility](#)
- [Bureau of Traffic facility](#)

- [Transportation Management Center](#)
- [District Offices \(6\)](#)

NHDOT has worked in conjunction with and utilized the services of NHGCD to review the buildings.

These buildings have been divided into two categories: Priority One and Priority Two. Priority One buildings are those buildings that have employee use and a high potential for public use. Priority Two buildings are those buildings that have employee use and a moderate potential for public use.

There are a majority of NHDOT buildings that are not accessed by the public, such as maintenance sheds and storage facilities for equipment and road salt. In terms of the possibility that NHDOT employees or contractors with disabilities who work in these facilities may require accommodation to a disability, NHDOT addresses such matters under its Equal Employment Opportunity Policy as a reasonable accommodation, consistent with the requirements of federal law. Based on this assessment, NHDOT has focused its efforts on surveying NHDOT facilities that offer on-going programs and services to the public to ensure they are accessible.

Rest Areas

NHDOT owns twelve Rest Areas/Welcome Centers statewide, which feature restrooms and tourist information, while some locations include vending machines.

Two of these rest areas also include service plazas, which offer gas stations and electric vehicle charging. These areas also offer food service, gift shops and liquor stores in addition to restrooms and vending machines. Much of this space is leased by a private party.

Staffing, daily operations and routine maintenance for the remaining ten rest areas is the responsibility of New Hampshire Department of Natural and Cultural Resources (DNCR). Numerous barriers have been removed by DNCR and NHDOT as a result of routine maintenance and improvements in response to [Rest Area ADA facility surveys](#).

Several accessibility guidelines, codes and regulations apply to rest areas. The ADA Accessibility Guidelines (ADAAG) applicable to rest area-type facilities include guidelines for:

- Buildings and Facilities (1991, as amended through 2002).
- Play Areas (published in the Federal Register October 18, 2000 and amended November 20, 2000).
- Recreation Facilities (published in the Federal Register on September 3, 2002).
- Outdoor Developed Areas (draft of final guidelines released on October 19, 2009, but are not yet codified).

In addition to ADAAG, the Code of Federal Regulations (CFR) includes regulations related to accessibility that apply to Interstate rest areas and historic rest areas and waysides:

- Interstate Rest Areas: [49 CFR 27.75](#) requires states to make Interstate rest area facilities accessible whenever the state uses Federal financial assistance to improve the rest area or whenever the state uses Federal financial assistance to construct, reconstruct or otherwise alter the roadway adjacent to or in the near vicinity of the rest area.
- Historic Rest Areas & Waysides: If any state rest areas and waysides are historic properties listed in, or eligible for, listing in the National Register of Historic Places or are designated as historic under an appropriate state or local law. [28 CFR 35.151\(d\)](#) requires alterations comply, to the maximum extent feasible, with [Section 4.1.7 of ADAAG](#).

Fixed work site [accessibility code checklists](#) for buildings, rest areas and transportation centers can be found in Appendix D.

Accessible Pedestrian Signals (APS)

As part of its self-evaluation, NHDOT, in conjunction with UNH T², has developed a process and tool for the collection of Accessible Pedestrian

Signals (APS) inventory data. This inventory identified over 600 NHDOT APS crossings and consists of 23 attributes per signal to reveal the level of accessibility and aid in programming future upgrades.

Section 4A.02 of the Manual on Uniform Traffic Control Devices (MUTCD) defines an Accessible Pedestrian Signal (APS) as a device that communicates information about pedestrian timing in a non-visual format such as audible tones, verbal messages, and/or vibrating surfaces. The draft PROWAG definition is similar; however, under PROWAG, APS devices must include both audible and vibrotactile functions. APS devices let pedestrians who are blind or visually impaired know when the WALK interval begins and terminates. Pedestrians who know when the crossing interval begins will be able to start a crossing before turning cars enter the intersection and can complete a crossing with less delay. Audible signals can also provide directional guidance, which is particularly useful at non-perpendicular intersections and at wide multi-lane crossings.

The current draft PROWAG calls for accessible pedestrian signals to be required at all intersections equipped with pedestrian signals and at all pedestrian crossings across multi-lane roundabout entry or exit roadways, whenever new construction or alterations occur. The FHWA's policy is to consider the U.S. Access Board's draft PROWAG as recommended practice for new and reconstructed signals. If the proposed requirements are retained in the Access Board's final rule, the MUTCD will be revised in the future to reflect those requirements.

NHDOT is obligated to comply with MUTCD requirements as the MUTCD "...shall be recognized as the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to public travel..."

It is particularly challenging to adopt a standard to follow when there are multiple sets of guidelines. Transportation agencies are reluctant to invest in one variety of APS that may become instantly non-compliant as draft guidelines are revised and finally approved. NHDOT is anticipating this potential of changing standards and is collecting specific numerical data rather than compliant/non-compliant data. These data will be viable and be applicable to any forthcoming standard.

NHDOT has taken these data and completed a prioritization of APS intersections managed by the department. As part of the inventory, each intersection received a rating to determine the level of APS signal compliance with the draft PROWAG, as directed by FHWA. The ranking of the intersections was done utilizing the methodology laid out in the [National Cooperative Highway Research Project 3-62 APS Prioritization Tool](#). In general, the signalized intersections with higher scores are the ones with the greatest need for conversion to APS, but the rankings are always considered within context so that the greatest needs are served first. In the future, factors outside the ranking that affect an intersection's priority for APS may include the number of pedestrians at the intersection, the presence of nursing homes, hospitals, transit and other public services, and requests for APS. All new construction and reconstruction projects include APS consideration, per direction from the draft PROWAG.

The Bureau of Traffic maintains an inventory and evaluation of its signalized pedestrian crossings. A corresponding signal number, town or city location, GPS coordinates and a street/intersection reference have been used to identify each location.

As future evaluations of non-signalized pedestrian crossings are conducted, they will be added to this document, and will be entered into the statewide planning process.

Accessible Pedestrian Signal data can be found in [Appendix E](#).

Curb Ramps, Crosswalks and Sidewalks

NHDOT recognizes that a self-evaluation of pedestrian facilities within its public rights-of-way is a key element to a comprehensive and successful transition plan. The department has conducted an update of its inventory of curb ramps, crosswalks and sidewalks within the NHDOT Public Right-of-Way. A pedestrian infrastructure data collection guide has been developed and is used for reporting consistency and quality control. See [Appendix F](#).

Curb ramps comprise a significant segment of NHDOT's transportation facilities that must be brought up to ADA compliance. Of the 3900 existing, inventoried curb ramps in NHDOT right-of-way, approximately 80% are fully compliant. This does not, however, include locations where curb ramps

may be needed that have yet to be built. Through the self-evaluation process, NHDOT received input from the disability community to aid in determining high priority curb ramps that may not be captured as such in the NHDOT curb ramp prioritization system.

GIS mapping of the sidewalks was completed in 2015 and an on-site evaluation of approximately 260 miles of sidewalk in the NHDOT right-of-way (not including those in an Urban Compact) was completed in 2016.

The completed inventory, after being processed for quality control, has been prioritized utilizing the ranking system devised by the ADA Transition Plan Workgroup. Criteria include condition, width, slope, location, lighting, clearance, etc. These criteria are assigned values relating to usability and impact on accessibility to determine an attribute rating. These ratings are then factored in to arrive at a normalized ranking percentage, with low numbers indicating a poor condition and high numbers indicating a good condition. There is an annual programmatic in place to address the poorest ranking assets and bring them up to current ADA standards. Deficiencies will be addressed through various means: 1) as part of routine work (like paving), 2) as part of larger improvement projects (I-93), and 3) as accessibility specific projects using an annual budget (programmatic project).

For NHDOT to complete curb ramp compliance and carry out the required alterations, the ADA Coordinator tracks alterations made to pedestrian facilities through construction projects and the annual paving program. As these projects are scheduled for final inspection, the ADA Coordinator will verify that the finished product is compliant. The ADA Coordinator is also tasked to review the scope and limits of scheduled projects. The placement of the ADA Coordinator in the Office of Federal Compliance and as a member of the Traffic Control Committee ensures that projects that impact pedestrian infrastructure during and after construction will be addressed. In addition, any location listed in the inventory document that falls within a project's limits, or within feasible proximity to make it part of the project scope, should be incorporated into the plans. Pedestrian crossings that are outside of the physical project limits may be omitted where determined to be cost-prohibitive. Periodic reviews will be necessary due to inventory updates and changes in scheduling until planned alterations have been completed and the Director of Project Development has made a

determination regarding any remaining curb ramp locations to be addressed by separate contract(s) or programmatic.

A substantial number of curb ramp upgrades are completed during the alteration process of the annual pavement program. This includes construction of new curb ramps as well as upgrading existing ramps. For example, during the calendar year 2019 program, over 400 curb ramps were constructed or reconstructed to meet current ADA standards. This represents a significant percentage of statewide curb ramps being brought into full compliance as well as barriers removed. These upgrades represent an annual investment by NHDOT of approximately \$500,000.00 and have the net effect of reducing the potential number of miles of paving that can be accomplished annually. The current paving program is a ten-year cycle and it is estimated that by 2025, most NHDOT curb ramps will have been addressed and brought into full compliance. The ADA Coordinator plays an integral role in the pavement program by working with the Pavement Design Engineer to ensure ADA compliance.

The curb ramp/crosswalk/sidewalk inventory is an important tool to assist in project scoping and development and to track NHDOT progress on barrier removal and the integration of facilities meeting PROWAG guidance. The inventory is continually updated as facilities are upgraded. To capture the balance of facilities not covered during upgrades and alterations, curb ramps/crosswalks/sidewalks will be re-surveyed approximately every five years. The sequence will be year one: District 2; year two: District 3; year three: District 4; year four: Districts 1 & 5; and year five: District 6. The 2023 curb ramp inventory numbers 3886, which represents 100% contained in NHDOT ROW, with new curb ramps being added to the inventory as they are constructed. District 4 inventory is currently underway with expected completion by the end of 2023.

See [Appendix G](#) for the Curb Ramp, Crosswalk and Sidewalk data.

Transportation Centers and Park and Rides

NHDOT owns and maintains 27 park and rides. Seven locations also feature transportation centers, with scheduled commuter and airport service.

Regional Bus lines lease and operate these facilities, as well as fleet of 32 intercity buses, including maintenance and ADA compliance.

Please see [Appendix H](#) for Transportation Center and Park and Ride ADA Summaries.

Miscellaneous Projects

On occasion there are projects that fall outside routine construction programs due to the scope of what is required to meet ADA requirements. These projects require a more significant engineering plan and dedicated budget due to feasibility issues such as location, terrain, utilities etc.

Please see [Appendix M](#) for a list of Miscellaneous Projects.

Maintenance

The subject of sidewalk maintenance is frequently discussed across the state, with a complex set of statutes, local ordinances and informal agreements going back over 100 years.

In New Hampshire, it is the responsibility of municipalities to maintain pedestrian facilities. According to [RSA 231:113](#) of the New Hampshire's state laws "sidewalks shall be maintained, repaired and reconstructed by the city or town in which they are located without further assessment to the abutting owner."

Guiding the discussion is Federal Code [23 U.S.C. § 116](#), which states in part that:

- (a) It shall be the duty of the State transportation department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts.

This statutory requirement is interpreted in coordination with the ADA Title II regulatory obligation for public entities to maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities, as discussed in subpart 4, above. To ensure compliance, NHDOT must either maintain the project, or secure timely and on-going commitments from localities in which a project is built to maintain that property. To achieve this, NHDOT will work to build relationships, propose mutually beneficial agreements and incentives.

The discussion will also address snow removal and ice treatment on sidewalks in accordance with [28 CFR § 35.133](#) Maintenance of accessible features:

- (a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.

- (b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

In its self-evaluation, NHDOT has identified the need to consistently secure maintenance agreements on federally aided projects and will develop a strategy to address this need for accountability. NHDOT will seek municipal commitments applicable to all projects built with federal financial assistance. As part of the review, NHDOT will examine its current policies and procedures to improve maintenance for pedestrian facilities.

Correction Program

NHDOT is committed to addressing the barriers identified in the self-evaluation. As self-evaluations are completed and updated, facilities that are inaccessible will be prioritized as part of a barrier removal program. Facilities that are accessible but do not meet PROWAG standards will continue to be improved through NHDOT's routine construction program. The funding and schedule of accessibility improvements that are being made as part NHDOT's routine construction program are determined through NHDOT's Statewide Transportation Improvement Plan.

Schedule

The NHDOT schedule for bringing the ADA features that have been identified as noncompliant and are the responsibility for NHDOT has been in force since 2015. This is in response to the issuance of the Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing (TA) in July 2013. Curb ramps that are within the scope of resurfacing projects defined as alterations in the TA are upgraded to meet ADA compliance. NHDOT has made a strong annual commitment to improving ADA compliance programs identified in the Ten-Year Program (TYP) and/or the NHDOT State Transportation Improvement Program (STIP). On average, there are approximately 300 upgraded curb ramps constructed annually through resurfacing. This represents reconstruction of a significant

percentage of the existing curb ramp inventory as well as approximately 100 new, additional ramps constructed annually.

Curb ramps upgraded/constructed:

2015: 248

2016: 450

2017: 487

2018: 391

2019: 418

2020: 372

2021: 296

2022: 282

2023: 300 Planned

2024: 300 Projected

2025: 300 Projected

Budget

NHDOT currently funds and creates ADA compliant improvements to the transportation system in New Hampshire through the course of its normal construction program, which includes paving and rehabilitation, Transportation Alternatives Program (TAP), Safe Routes to School, and other capital improvement projects. The annual Paving Program as outlined in the NHDOT Ten Year Plan (TYP) has an average annual budget of \$38 million for Preservation and Maintenance of Tier 2, 3 and 4 roads, which is primarily where pedestrian infrastructure exists. Curb ramp upgrades that are triggered by alterations of these roads (as defined by the DOJ/DOT Technical Assistance) constitute an investment of \$500,000 to \$600,000 annually.

Paving Program

Rehabilitation of existing pavements occurs on about a 10-year cycle, meaning most roads in the State will have work done to maintain the pavement in a good condition about once every 10 years. Since many of these are alteration projects, the curb ramps must be made accessible as part of each paving project (See [28 CFR § 35.151](#); [Kinney v. Yerusalim, 9 F.3d 1067 \(3d Cir. 1993\), cert. denied, 511 U.S. 1033 \(1994\)](#)). The scope of the paving program is to do in-kind replacement of pavement on State maintained roadways outside of Urban Compacts.

Goal for Meeting Compliance

Through our various policy initiatives, programmatic changes, guidance development, training, and commitment of resources as described above, the Department has set a goal to remediate all noncompliant pedestrian features by 2025, which represents one 10-year paving cycle. Throughout this transition, NHDOT will monitor this document and make updates as needed to remain consistent with future State and Federal policy changes.

Facilities

In keeping with the spirit of the Transition Plan as a living document, an ADA review and status update is ongoing to re-inventory barriers at NHDOT facilities such as office buildings and Rest Areas. Staffing, daily operations and routine maintenance for Rest Areas is the responsibility of NH Department of Business and Economic Affairs (DBEA). Numerous barriers have been systematically removed through a collaborative effort of DBEA and NHDOT as a result of routine maintenance and improvements in response to ADA surveys recently conducted. A deficiency noted as “not needed” indicates an item that would interfere with functional accessibility of the location, such as placing a “no parking” sign in an access aisle, blocking its use. While many barriers have been removed, any new or remaining barriers will be placed on a remediation schedule with a projected completion date for barriers to be removed and ADA compliant by CY 2025.

Prioritization

The completed pedestrian infrastructure inventory, after being processed for quality control, has been prioritized utilizing the ranking system devised by the ADA Transition Plan Workgroup. Criteria include condition, width, slope, location, lighting, clearance, etc. These criteria are assigned values relating to usability and impact on accessibility to determine an attribute rating. These ratings are then factored in to arrive at a normalized ranking percentage, with low numbers indicating a poor condition and high numbers indicating a good condition. There is a \$200,000 annual Programmatic in place to address the poorest ranking assets and bring them up to current ADA standards. Deficiencies will be addressed through various means: 1) as part of routine work (like paving), 2) as part of larger improvement projects (I-93), and 3) as accessibility specific projects using an annual budget (programmatic project). Through the self-evaluation process, NHDOT received input from the disability community to aid in determining high priority curb ramps that may not be captured as such in the NHDOT curb ramp prioritization system. A new prioritization plan was developed by UNH Technology Transfer Center. This new system enables usage of new collection attributes to prioritize assets to a finer degree and provide more flexibility in data analysis. See [Appendix G](#).

ADA Programmatic

The 2017 \$200,000 NHDOT ADA Programmatic was dedicated to Engineering and Construction of ADA curb ramps/upgrades in NHDOT Statewide Resurfacing Project 40868. This project is currently under construction and will be upgrading 73 curb ramps to full ADA compliance in Keene, Troy, Lebanon and Hanover.

For 2018, the ADA Programmatic was dedicated to Construction of ADA curb ramps/upgrades in NHDOT Statewide Resurfacing Project 41604. This project will be upgrading 81 curb ramps to full ADA compliance in Northumberland, Woodstock, Lincoln and Littleton.

Future projects are identified through the prioritization process above.

The 2019-20 Programmatic is dedicated to Engineering and Construction of ADA curb ramps/upgrades in NHDOT Project 42295 in Hampton. This curb-ramp-only project completed 117 curb ramps in 2020.

The 2021 Programmatic has been dedicated to Engineering of 59 ADA curb ramps/upgrades in NHDOT Statewide Project 43060 in Newport.

The 2022 Programmatic has been dedicated to Engineering of ADA curb ramps/upgrades in Project 43060B. Among these improvements are two long-standing, challenging Transition Plan barriers where crosswalks terminate at stairs.

Transition Plan Evolution

NHDOT completed its ADA Transition Plan update in September 2016. The Transition Plan was successfully implemented and, as a result, has aggressively made the State-managed transportation system significantly more accessible to individuals with disabilities. Since the time of its implementation, the Transition Plan has been true to its premise of being a “living document” as there have been many refinements made during its maturation and evolution. The following outlines and highlights these refinements to date:

Curb Ramp Details

To provide clearer expectations for designers and contractors constructing ADA features, the NHDOT ADA Title II Coordinator created new Curb Ramp Detail Sheets that were provided to the Highway Design Bureau for review and approval. These new detail sheets are included in project bidding packages for estimating as well as project plans and contracts. The Details provided previously were only one page and did not provide the level of detail required to build consistent ADA-compliant pedestrian facilities. The new Details are nine pages, have been updated to reflect PROWAG standards and have been expanded to include more features, such as Accessible Pedestrian Signal environments. These Details allow designers to be more specific in their plans and leave out the guesswork in construction. Contractors use these new detail sheets in the field to build compliant ADA features to a significantly higher standard and level of detail than previously available.

ADA Transition Plan Enhanced Customer Service Initiative (ECSI)

In an effort to make more robust connections to the citizens we serve, NHDOT has created avenues for outreach and information sharing. Online applications enable users to view upcoming Paving Program maps and historical/current project data. The State Asset Data Exchange System (SADES) has been recently upgraded and a new SADES Pedestrian Infrastructure Online viewer has been added. The following details each of the above initiatives:

State Asset Data Exchange System (SADES)

The iPad-based SADES Pedestrian Infrastructure Inventory data collection application was upgraded in the summer of 2017. These updates originated in the ADA Transition Plan Workgroup after leveraging two seasons of data collection experience in an effort to streamline the process and collect more precise, usable data. Compliance ranges were eliminated in favor of using numbers, such as inches and percent slope, in order to future-proof the data in case the acceptable range is changed. This also allows the data to be more precise, giving a clearer indication of the condition of a feature and allowing a more accurate post-collection sorting for prioritization purposes. Town names have also been added to all features to give the public a more user-friendly means to view features in their neighborhood. Further refinements took place in the spring of 2020 with an upgrade to version 3.1. This upgrade further streamlines the collection process and added new attributes such as curb ramp counter slope and if the sidewalk grade is greater than road grade.

The SADES Pedestrian Infrastructure Collection Guide can be found in [Appendix F](#).

NHDOT Paving Program Online Viewer

The Paving Program Online Viewer provides users with a graphical map and table of proposed NHDOT resurfacing projects for the upcoming three years. Users may identify specific roadways that will be resurfaced and in which calendar year. All curb ramps within these projects are identified and

added/upgraded to ADA compliance to the maximum extent feasible. Addressing over 400 curb ramps annually, the Paving Program is the primary trigger for curb ramp upgrades. NHDOT is on course to achieve ADA compliance of curb ramps in its ROW by 2025.

The viewer is available through the NHDOT website on the [Paving Program](#) page.

NHDOT Roads and Projects Interactive Viewer

This is a GIS interactive map developed by the NHDOT GIS Planning Section and UNH. It features a search engine to view project regions, description, and status, including a 100+ year archive. One use of the archive function is to allow a user to see when a State roadway was last resurfaced, thus determining when the roadway will be resurfaced again (if not yet on the Paving Program website), as NHDOT typically resurfaces on a seven to ten-year cycle. This would include ADA curb ramp upgrades constructed as a result of resurfacing. Direct link to the [NHDOT Roads and Projects Interactive Viewer](#).

SADES Pedestrian Infrastructure Online Interactive Viewer

This application enables the general public to view the Statewide Pedestrian Infrastructure Inventory of sidewalks, curb ramps, crosswalks and pedestrian signals on an interactive, graphical GIS map. This user-friendly viewer now allows the public to easily locate and identify features of interest. Clicking on an asset on the map provides details on ADA compliance features such as slopes, obstructions and condition. It is also possible to view the data in table format, to easily view and sort multiple features visible on the map.

Direct link to the [SADES Pedestrian Infrastructure Online Interactive Viewer](#).