

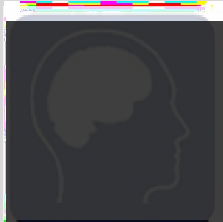
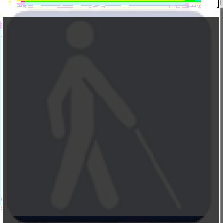


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# Americans with Disabilities Act *TRANSITION PLAN*

Nevada Department of Transportation External  
Civil Rights - ADA/Section 504

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**October 2023**

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## A MESSAGE FROM THE DIRECTOR

Dear Citizens of Nevada,

The Nevada Department of Transportation is dedicated to providing a safe, reliable, sustainable, and accessible transportation system for its users. Creating connections for all Nevadans to get where they need to go is a paramount responsibility. Accessibility planning and improvements help connect Nevada families today, while contributing to a fully-accessible transportation system as a legacy for current and future generations.

Take a moment to imagine that you are commuting to work or an important appointment. What if the crosswalk you relied on to get you safely from one side of the road to the other wasn't functional? What if every sign you read searching for directions was written so faintly you couldn't see their important messages?

Being able to get where we need to go is vital to our livelihood and well-being. Access opens our worlds.

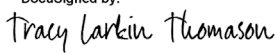
NDOT projects are designed and constructed to meet accessibility standards. As a department, we have the challenge of keeping aging infrastructure up-to-date. Some roads and facilities are several decades old and do not meet current standards. We must continue to improve accessibility so all Nevadans can utilize and benefit from our transportation system.

We have surveyed and mapped all state-owned sidewalks, ramps, pedestrian push buttons and other roadway features for ADA compliance. From that data, we pinpointed the important accessibility improvement projects that you will find listed in this plan. We plan to keep up with the inventory of state-owned sidewalks, ramps, and pedestrian pushbuttons we have assessed already and will train construction and maintenance crews on new technology, including the use of a GIS-based app to document ADA features as projects are constructed. In addition to the public right-of-way, a statewide evaluation of all NDOT rest area facilities for ADA compliance was commenced in 2020 and is currently in progress.

Connecting with the public and partner agencies is vital to understanding where specific needs may exist. Across the state, those who use our transportation system know their communities and their transportation connections best. The public can report accessibility concerns in multiple ways. We welcome phone calls, emails, letters or submissions through [nevadadot.com](http://nevadadot.com). We will conduct a thorough and responsive review of these reports and work toward enhanced accessibility.

I hope that the following NDOT Americans with Disabilities Act Transition Plan will serve as a guide to further the mission, vision, core values and goals of NDOT. It is my goal that through our committed efforts, we will continue to make Nevada's transportation system safe and accessible for all, keeping ADA in the center of the **NEVADADOT!**

Sincerely,

DocuSigned by:  
  
832931E930B041F

Tracy Larkin Thomason, P.E.

*Director, Nevada Department of Transportation*

# CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>10</b>
1.1	NDOT MISSION.....	10
1.2	PURPOSE .....	10
1.3	BACKGROUND/REQUIREMENTS .....	10
1.3.1	Section 504 of the Rehabilitation Act of 1973.....	10
1.3.2	Americans with Disabilities Act of 1990.....	12
1.4	STATEMENT OF POLICY .....	14
<b>2</b>	<b>ADA/504 PROGRAM ADMINISTRATION.....</b>	<b>15</b>
2.1	ADA/504 SECTION OF THE EXTERNAL CIVIL RIGHTS DIVISION.....	15
2.1.1	ADA/504 Coordinator .....	15
2.1.2	Contact for ADA/504 Coordinator .....	15
2.1.3	Contact for Civil Rights Officer.....	16
2.1.4	Contact for Deputy Director .....	16
2.2	COORDINATION WITH OTHER STATE/LOCAL PLANS.....	16
2.3	<b>COMMUNICATIONS.....</b>	<b>17</b>
2.3.1	Notice to the Public.....	18
2.3.2	Training .....	18
2.3.3	Public Outreach.....	18

---

2.3.4	Website .....	19
<b>3</b>	<b>SECTION 504 &amp; ADA GRIEVANCE PROCEDURE .....</b>	<b>20</b>
3.1	PROCEDURE .....	20
3.1.1	Filing a Complaint .....	20
3.1.2	Complaint Investigation and Resolution .....	22
3.1.3	Appealing the Resolution.....	22
<b>4</b>	<b>SELF-EVALUATION .....</b>	<b>23</b>
4.1	<b>PUBLIC PARTICIPATION .....</b>	<b>23</b>
4.1.1	Comment Submission.....	24
4.1.2	Public Meetings.....	24
4.2	STANDARDS.....	25
4.2.1	Section 504 Standards .....	25
4.2.2	ADA Standards.....	27
4.3	FACILITIES/BUILDINGS .....	30
4.3.1	Rest Areas and Welcome Centers.....	30
4.3.2	Rest Area Assessment Methods .....	31
4.4	PUBLIC RIGHTS-OF-WAY.....	31
4.4.1	Public Rights-of-Way Assessment Methods.....	32
4.4.2	Feature Inventory Database .....	34

---

4.4.3	NDOT Accessibility Status – Self-Assessment Summary.....	35
<b>5</b>	<b>TRANSITION PLAN .....</b>	<b>37</b>
5.1	NDOT ACTIONS FOR ACHIEVING ADA COMPLIANCE.....	37
5.1.1	Prioritization Criteria .....	37
5.1.2	Budget (Program Target + Other Projects) .....	38
5.1.3	Timing.....	38
5.1.4	Technically Infeasible Locations.....	39
5.2	ROLES & RESPONSIBILITIES AT NDOT .....	39
5.2.1	Roadway Design .....	40
5.2.2	District Maintenance .....	40
5.2.3	District Construction.....	40
5.2.4	District Traffic .....	41
5.2.5	Headquarter Maintenance .....	41
5.2.6	Traffic Safety .....	41
5.2.7	Traffic Operations.....	41
5.2.8	Project Management.....	42
5.2.9	Architecture.....	42
5.3	MONITORING COMPLIANCE PROGRESS .....	42
5.3.1	Annual Performance.....	42

---

5.4	TECHNICAL COMPLIANCE .....	42
5.4.1	Design Standards .....	42
5.4.2	Construction Tolerances .....	43
<b>6</b>	<b>APPENDIXES .....</b>	<b>44</b>
6.1	ADDITIONAL REFERENCE INFORMATION.....	44
6.1.1	Web-Links.....	44
6.2	GLOSSARY OF TERMS .....	45
6.3	ALTERATIONS THROUGH RESURFACING.....	48
6.4	NOTICE TO THE PUBLIC .....	54
6.5	COMPLAINT FORM .....	56
6.6	RECOMMENDATION AND COMMENT FORM .....	58
6.7	ADA FEATURE INVENTORY – GIS MAP .....	60
6.8	NDOT ADA/504 WEBSITE .....	61
6.9	ADA 5-YEAR SCHEDULE OF PROJECTS.....	62
6.10	SIDEWALK ESTIMATIONS.....	66

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# 1 INTRODUCTION

## 1.1 NDOT MISSION

The Nevada Department of Transportation's (NDOT) mission is to provide, operate, and preserve a transportation system that enhances safety, quality of life and economic development through innovation, environmental stewardship and a dedicated workforce.

NDOT is committed to improving Nevada's quality of life by providing for a safe, efficient and accessible transportation system that is accessible by a broad spectrum of users.

The following NDOT Americans with Disability Act (ADA) Transition Plan (Transition Plan) is intended to serve as a guide to further the mission, vision, core values and goals of NDOT.

## 1.2 PURPOSE

The purpose of the Transition Plan is to provide NDOT staff, state and local partners, and the citizens of Nevada, NDOT's policies, procedures, and practices to fulfill the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. This Transition Plan provides information about NDOT's efforts to ensure equal accessibility to NDOT programs and services. Looking forward, it forges a path to ADA compliance for public rights-of-way.

## 1.3 BACKGROUND/REQUIREMENTS

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### 1.3.1 Section 504 of the Rehabilitation Act of 1973

Access to programs and activities funded by federal agencies as well as federal employment was required by law in the Rehabilitation Act of 1973. Section 504 of the Act (29 U.S.C. 16 §794) states that no qualified individual with a disability

shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity

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conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978...

As implementation of Section 504, the U.S. Department of Transportation (DOT) requires each recipient of DOT financial assistance to

make reasonable accommodations in policies, practices, or procedures when such accommodations are necessary to avoid discrimination on the basis of disability unless the recipient can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden... (49 CFR §27.7(e)).

Recipients must also continually notify “participants, beneficiaries, applicants, and employees...that it does not discriminate on the basis of disability” (49 CFR §27.15(a)).

As a recipient of U.S. DOT financial assistance, the Nevada DOT is required to comply with Section 504 requirements, including the “design, construction, or alteration of buildings or other fixed facilities” (49 CFR §27.3(b)).

According to 49 CFR §27.11, NDOT is also required to plan for compliance, carrying out the following steps:

- (i) Evaluate its current policies and practices for implementing these regulations, and notify the head of the operating administration of the completion of this evaluation;
  - (ii) Identify shortcomings in compliance and describe the methods used to remedy them;
  - (iii) Begin to modify, with official approval of recipient's management, any policies or practices that do not meet the requirements of this part according to a schedule or sequence that includes milestones or measures of achievement. These modifications shall be completed within one year from the effective date of this part;
  - (iv) Take appropriate remedial steps to eliminate the effects of any discrimination that resulted from previous policies and practices; and
-



(v) Establish a system for periodically reviewing and updating the evaluation.

At each step, “interested persons, including persons with a disability and organizations representing persons with a disability” are to be consulted. Section 27.11(c)(3) goes on to state:

(3) A recipient shall, for at least three years following completion of the evaluation required under paragraph (c)(2) of this section, maintain on file, make available for public inspection, and furnish upon request to the head of the operating administration:

(i) A list of the interested persons consulted;

(ii) A description of areas examined and any problems identified; and

(iii) A description of any modifications made and of any remedial steps taken.

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### 1.3.2 Americans with Disabilities Act of 1990

The Americans with Disabilities Act (ADA) was signed into law in 1990. The ADA builds upon the requirements of Section 504 of the Rehabilitation Act and is an important civil rights legislation that prohibits discrimination against people on the basis of disability. This act ensures people with disabilities have equal rights and opportunities as able-bodied people. The ADA is comprised of the following five titles that cover different aspects of public life:

- Title I (Employment)
- Title II (State and Local Government)
- Title III (Public Accommodations)
- Title IV (Telecommunications)
- Title V (Miscellaneous Provisions)

The focus of this Transition Plan is Title II of the ADA, which applies to state and local governments and the programs, services and activities they provide. The U.S. Department of Justice (DOJ) was charged with the responsibility of implementing Title II along with the assistance of the U.S. Department of Transportation (DOT), responsible for implementing the statute for public transportation. The requirements of Title II are implemented by the regulations of the DOJ codified (and amended) in 28 CFR part 35

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(Title II). According to §35.130(a):

No qualified individual with a disability shall, on the basis of 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 public entity.

More specifically, 28 CFR §35.149 applies the same requirements to public facilities:

Except as otherwise provided in §35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, 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 public entity.

As a division of State government, NDOT must ensure its programs, services and activities provided to the public, including facilities, are accessible to individuals with disabilities regardless of the source of funding. Under Title II, NDOT must meet the following requirements:

- Designate an ADA/Section 504 Coordinator responsible for coordinating NDOT's efforts to comply with and carry out its responsibilities under Title II, making available to all interested individuals the name, office address, and telephone number of the employee or employees designated (28 CFR §35.107(a), §35.150(d)(3)(iv))
  - Adopt and publish a grievance procedure providing for prompt and equitable resolution of complaints alleging any action that violates Title II (28 CFR §35.107(b))
  - Make available to applicants, participants, beneficiaries, and other interested parties information regarding Title II and its applicability to the services, programs or activities of NDOT (Notice to the Public) (28 CFR §35.106)
  - Evaluate current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of Title II (28 CFR §35.105(a))
  - Provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments (28 CFR §35.105(b))
  - Develop a transition plan setting forth the steps necessary to complete modifications, including the following:
    - A schedule for providing curb ramps or other sloped areas where pedestrian
-

- walks cross curbs (28 CFR §35.150(d)(2))
- Identification of physical obstacles in the facilities that limit the accessibility of NDOT programs or activities to individuals with disabilities (28 CFR §35.150(d)(3)(i))
- Detailed description of the methods to be used to make the facilities accessible (28 CFR §35.150(d)(3)(ii))
- A schedule of the steps necessary to achieve compliance with Title II, identifying steps per year (28 CFR §35.150(d)(3)(iii))
- Provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments (28 CFR §35.150(d)(1))
- Make available a copy of the transition plan for public inspection (28 CFR §35.150(d)(1))
- Proceed to make the necessary modifications to current services, policies, and practices where required (28 CFR §35.105(a))
- Maintain on file and make available for public inspection the following:
  - a list of the interested persons consulted (28 CFR §35.105(c)(1))
  - a description of areas examined and any problems identified 28 CFR §35.105(c)(2)
  - a description of any modifications made (28 CFR §35.105(c)(3))

## 1.4 STATEMENT OF POLICY

The Nevada Department of Transportation (NDOT) is committed to full compliance with Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 and all related regulations, laws, executive orders and directives.

The Deputy Director, Cole Mortensen as the ultimate NDOT official responsible for Title II and Section 504 compliance, assures that no qualified individual with a disability shall, on the basis of 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 public entity.

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## 2 ADA/504 PROGRAM ADMINISTRATION

NDOT's ADA/504 Program is administered under the External Civil Rights Division in Carson City, NV. The role of the External Civil Rights Division is to maintain all responsibilities and monitor the administration of programs to ensure compliance under Nevada and federal laws within NDOT's contracting practices, programs and activities. This division is dedicated to upholding and enforcing all state and federal statutes prohibiting discriminations of persons based on race, color, religion, sex, national origin, age, disability, pregnancy, sexual orientation, genetic information or gender identity or expression.

### 2.1 ADA/504 SECTION OF THE EXTERNAL CIVIL RIGHTS DIVISION

The ADA/504 Section has been established to administer and oversee NDOT's efforts towards compliance with the requirements set forth in Title II and Section 504 to ensure NDOT provides equal access for individuals with disabilities to its services, buildings and rights-of-way. It is comprised of one ADA/504 Coordinator and one Assistant ADA/504 Coordinator.

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#### 2.1.1 ADA/504 Coordinator

The role of the ADA/504 Coordinator is to manage all programs and policies related to compliance with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title II, Title VI, and other federal and state laws associated with regulations for persons with disabilities. The ADA/504 Coordinator will act as the primary contact for all public outreach pertaining to discriminations against persons of disabilities.

The ADA/504 Coordinator will address complaints, investigate formal grievances and track the overall progress of the implementation of the Transition Plan. In addition, the ADA/504 Coordinator will coordinate a multidisciplinary approach to implement and manage NDOT's ADA/504 compliance effort.

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#### 2.1.2 Contact for ADA/504 Coordinator

**Lali Parasa**

Chief ADA/504 Coordinator

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Nevada Department of Transportation External Civil Rights – ADA/504  
1263 S. Stewart Street Carson City, NV 89712  
O: (775) 888-7193  
C: (775) 515-5812  
TTY: (855) 878-6368  
F: (775) 888-7235  
E-mail: [Lparasa@dot.state.nv.us](mailto:Lparasa@dot.state.nv.us)

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### 2.1.3 Contact for Civil Rights Officer

#### **Sonnie Braih**

External Civil Rights Administrator  
Nevada Department of Transportation 123 E Washington Avenue, Suite G  
Las Vegas NV 89101  
O: (702) 730-3301  
F: (702) 730-3349  
E-mail: [sbraih@dot.state.nv.us](mailto:sbraih@dot.state.nv.us)

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### 2.1.4 Contact for Deputy Director

#### **Darin Tedford**

Deputy Director  
Nevada Department of Transportation 1263 S. Stewart Street  
Carson City, NV 89712  
O: (775) 888-7440  
E-mail: [Dtedford@dot.nv.gov](mailto:Dtedford@dot.nv.gov)

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## 2.2 COORDINATION WITH OTHER STATE/LOCAL PLANS

Continuous communication and coordination with other government agencies is an important and necessary practice to ensure the proper implementation of accessibility features and ongoing maintenance of ADA compliance. NDOT will continue to communicate and coordinate accessibility needs within public rights-of-way to identify partnering opportunities with other public agencies to improve and maintain safe and accessible facilities along NDOT routes.

A partial list of public agencies with which NDOT regularly coordinates is shown below:

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- **Regional Transportation Commission of Southern Nevada (RTC SNV):**  
Provides both transit services and the transportation planning for Clark County
- **Regional Transportation Commission of Washoe County (RTCWC):**  
Provides both transit services and transportation planning and implementation of surface transportation services in urbanized areas of Reno, Sparks and Washoe County
- **Washoe County, Community Services Department:**  
Plans, designs, constructs, operates, and maintains County-owned facilities
- **Carson Area Metropolitan Planning Organization (CAMPO):**  
Provides both transit services and transportation planning for the Carson urbanized area which includes portions of Douglas County and Lyon County
- **Tahoe Metropolitan Planning Organization (TMPO):**  
Provides both transit services and transportation planning for the Lake Tahoe region
- **City of Reno, Public Works Department:**  
Plans, designs, constructs, operates and maintains city-owned facilities
- **City of Sparks, Public Works Department:**  
Plans, designs, constructs, operates and maintains city-owned facilities
- **City of North Las Vegas, Public Works Department:**  
Plans, designs, constructs, operates and maintains city-owned facilities
- **City of Las Vegas, Public Works Department:**  
Plans, designs, constructs, operates and maintains city-owned facilities
- **City of Henderson, Public Works Department:**  
Plans, designs, constructs, operates and maintains city-owned facilities
- **Clark County, Public Works Department:**  
Plans, designs, constructs, operates and maintains city-owned facilities
- **Carson City Public Works:**  
Plans, designs, constructs, operates and maintains city-owned facilities

## 2.3 COMMUNICATIONS

ADA Title II regulations require the Nevada DOT to “take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others” (28 CFR §35.160(a)). NDOT will continue to strive to provide equally effective communications with all persons of the public. These communications can be facilitated by offering a diverse array of

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alternative communication formats including large print, interpreters, teletypewriter (TTY), or audio. Any of these options may be requested at no cost to the individual.

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### 2.3.1 Notice to the Public

Pursuant to 28 CFR §35.106, NDOT is committed to providing an ADA Notice to the Public (see Appendix 6.4) about their rights and NDOT's responsibilities under Title II of ADA. NDOT will continually provide this notice and make it accessible by alternative formats whenever necessary. NDOT may use the following opportunities in which to provide the Notice to the Public:

- Job announcements
- Periodically in local newspapers
- Public service announcements on local radio and television stations
- NDOT's website
- Post at all NDOT facilities
- Include in NDOT program handbooks
- Include in NDOT activity schedules
- Announcements at meetings of NDOT programs, services, and activities

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### 2.3.2 Training

An essential component of NDOT's ADA/504 compliance effort is training. NDOT's ADA/504 Section will work with a multidisciplinary team to determine the ADA and Title II training needs of the various NDOT divisions. It will work with the multidisciplinary team to develop and deliver targeted training to NDOT staff and associated stakeholders as needed. Training will address both design and policy issues related to ADA and Title II.

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### 2.3.3 Public Outreach

An integral part to the continuing success of meeting NDOT's ADA/504 compliance is the voice of the community. NDOT can ensure that the public is informed and given the opportunity to provide comments by using newsletters, NDOT's Civil Rights website, or public service events. Additional comments or concerns can be provided by the public by filing a complaint form or inquiry to NDOT's ADA/504 Section.

Other possible resources the public may be interested in are, advocacy groups, activist

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organizations, a Governor's Committee on People with Disabilities, elected officials, or other citizens. Comments or inquiries are always welcomed and can be shared through forms at meetings, NDOT's External Civil Rights Division – ADA/504 Section dedicated telephone, TTY, e-mail, or in person with NDOT's ADA/504 Coordinator or designee.

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#### 2.3.4 Website

In compliance with the DOT's Section 504 regulation 49 CFR §27.13(b)(1), NDOT's External Civil Rights Division and ADA/504 Section contact information is sufficiently advertised and accessible to the public via NDOT's website.

The general public is strongly encouraged to inform NDOT's ADA/504 Section of any problems with accessibility they may encounter within their daily travel along public access routes. NDOT's ADA program website contains all information needed to submit a grievance by the public. Contact information for the ADA/504 Section is listed on the website, as well as in Section 2.1.2 of this Transition Plan.



### 3 SECTION 504 & ADA GRIEVANCE PROCEDURE

Both Section 504 and ADA regulations require NDOT to provide a grievance or complaint procedure. DOJ regulation 28 CFR 35.107(b) requires a public entity that employs more than 50 people to adopt and publish a grievance procedure providing for the prompt and equitable resolution of complaints alleging noncompliance with any Title II requirement.

The resolution of any complaint or inquiry will require reviewing the nature of the noncompliance, establishing governing entities and reviewing options for accommodating remedies to the location of interest. In determining possible solutions to the issue, NDOT will consider the health and safety of others, the feasibility of alterations, the cost of the possible solutions, availability of funding, ease of implementation and how the solution compares in priority to other proposed ADA projects. The resolution of any one complaint or inquiry by NDOT does not constitute a precedent upon which NDOT is bound to or which the informant party shall solely rely.

NDOT shall take all necessary steps to ensure communications with any and all members of the public, notifying when the ADA complaints are addressed appropriately. Guidelines established within the following Grievance Procedures are intended to safeguard the processing of all NDOT associated ADA/504 concerns.

#### 3.1 PROCEDURE

Complaints pertaining to disability-based discrimination and ADA/504 accessibility shall be processed through the following formal procedures established by NDOT.

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##### 3.1.1 Filing a Complaint

All complaints should be submitted to NDOT's External Civil Rights Division – ADA/504 Section within 90 calendar days after the alleged discrimination. A complaint may be submitted via the online Complaint Form, in writing via e-mail or the US Postal Service, or via telephone. NDOT/State employees with concerns regarding ADA or discriminatory issues should contact their agency human resources or personnel representative.

To ensure prompt and equitable resolution of complaints, NDOT allows for multiple methods of filing a complaint regarding disability-based discrimination, outlined in the following sections.

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### 3.1.1.1 On-Line Complaint Form

A disability-based discrimination complaint may be submitted using the Complaint Form available from NDOT's website at <https://www.dot.nv.gov/doing-business/external-civil-rights/ada-program>. An individual submitting the complaint form shall complete it to the fullest extent possible. See Appendix 6.5 for mailable version.

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### 3.1.1.2 Telephone/Teletypewriter (TTY)

A verbal complaint may be submitted to NDOT's ADA/504 Section via telephone communication. A teletypewriter (TTY) machine is also available for the hearing impaired. As a result of the telephone/TTY conversation, NDOT's ADA/504 Section representative shall fill out a Complaint Form on behalf of the calling party.

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### 3.1.1.3 Email Communications

A complaint may be submitted to the ADA/504 Section via NDOT's ADA Program email address: [ADAProgram@dot.state.nv.us](mailto:ADAProgram@dot.state.nv.us).

The ADA/504 Section staff will respond to the submitted email and attach a Complaint Form to be completed by the complainant and returned back to the ADA/504 Section staff.

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### 3.1.1.4 Alternative Methods

Alternative means of submitting a complaint are available to persons whom require additional assistance. Requests may include: documents in different formats; large print, translators, audio recordings, etc. Requests for alternative methods of submitting a complaint or inquiry should be made through the ADA/504 Section staff via the telephone/TTY or an email to [ADAProgram@dot.state.nv.us](mailto:ADAProgram@dot.state.nv.us).

Requests should include the following information:

- Applicant's name, mailing address, telephone number and email address.
  - A description of what accommodation(s) may be needed.
  - What format(s) of accommodations are preferred, if applicable.
  - Whether a specific program or service typically used by applicant is preferred.
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### 3.1.2 Complaint Investigation and Resolution

Within 15 calendar days of receiving a complaint, the ADA/504 Coordinator or designated representative will contact the party initiating the grievance process (complainant) and will confirm the complaint details.

Once the complaint details are verified through phone coordination and/or an in-person meeting with the complainant, the ADA/504 Coordinator or designated representative will verify jurisdiction, investigate the accessibility issue and provide a response to the complainant within 45 calendar days, using the most appropriate format, outlining the investigation findings and proposed solution. If the accessibility issue is not within NDOT's jurisdiction then the ADA/504 Coordinator will contact and forward the complaint to the associated agency and notify the complainant.

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### 3.1.3 Appealing the Resolution

If the complainant is not satisfied with the final decision made by the ADA/504 Coordinator, the complainant may appeal the decision to the Civil Rights Officer. The appeal must be filed within 15 calendar days of receiving the final decision. Within 15 calendar days of receiving the appeal, the Civil Rights Officer will contact the individual filing the appeal to discuss the matter. The Civil Rights Officer will review the grievance file and complete any additional investigation required to address the appeal. After completing the review of the file and investigating the matter, the Civil Rights Officer shall provide a response in the most appropriate format. The response shall be provided within 15 working days after the Civil Rights Officer initially contacted the individual about the appeal. The response to the appeal shall be documented and kept on file in the ADA/504 Section for a minimum of 3 years.

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## 4 SELF-EVALUATION

In accordance with 28 CFR §35.105, the first step in the development of the ADA Transition Plan is the performance of a self-evaluation of current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of the Americans with Disabilities Title II regulations. Performance of the self-evaluation is required by both Section 504 of the Rehabilitation Act of 1973 (49 CFR §27.11(c)) and the Americans with Disabilities Act (ADA) of 1990 (28 CFR §35.105) in order to identify current physical barriers that limit or block access to individuals with disabilities. This self-evaluation is not a one-time event, but, as the Section 504 DOT regulation states in 49 CFR §27.11(c)(2)(v), must be systematically and periodically reviewed and updated to ensure that

no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (49 CFR 27.1)

For the Nevada DOT, a self-evaluation includes an inventory of all physical obstacles limiting the accessibility of programs or activities to individuals with disabilities and an assessment of the current level of access to public information and features within NDOT-owned facilities and public rights-of-way. To the extent that modification of any such services, policies, and practices is required, NDOT will proceed to make the necessary modifications.

### 4.1 PUBLIC PARTICIPATION

While the term “*self-assessment*” may imply an evaluation performed strictly by NDOT, in reality the self-evaluation includes the participation of all citizens of Nevada. NDOT is committed to and eagerly welcomes the involvement of all Nevada citizens in the evaluation of its current services, policies, and practices, and the effects thereof that do not or may not meet the requirements of ADA Title II regulations. Public input is essential for the identification and mitigation of every barrier to access within NDOT facilities and public rights-of-way. Together, we can strive to achieve a level of access that surpasses minimum requirements, providing facilities and public rights-of-ways that are accessible and beneficial to people of all abilities.

Evaluations of NDOT facilities and public rights-of-way in all cities of Nevada are now in

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progress. A critical perspective in the assessment of any environment is that of the regular users and beneficiaries of that particular environment. The Nevada DOT invites feedback and comments regarding existing facility and sidewalk conditions from all interested persons, especially individuals with disabilities or organizations representing individuals with disabilities.

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#### 4.1.1 Comment Submission

Public comments may be submitted to NDOT using the NDOT ADA Recommendation and Comment Form found under the ADA Program section of the NDOT Website. The comment form can be accessed at <https://www.dot.nv.gov/doing-business/external-civil-rights/ada-program/ndot-ada-recommendation-and-comment-form>. Additionally, the NDOT ADA Complaint Form can be found at <https://www.dot.nv.gov/doing-business/external-civil-rights/ada-program/ndot-ada-complaint-form>. Both of these forms are posted on the ADA Program/Section 504 Program webpage at <https://www.dot.nv.gov/doing-business/external-civil-rights/ada-program>. See Appendix 6.6 for mailable version.

In its efforts to maintain public accessibility, NDOT has placed a high priority on ensuring its website information is accessible and relatable to all citizens. The ADA/504 Section of NDOT will continue to strive for public accessibility on its public webpages to better reflect ADA and Section 504 Rehabilitation Act needs and requirements. Webpage implementation will go through a periodic internal review process to ensure optimal accessibility quality.

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#### 4.1.2 Public Meetings

Public meetings provide additional opportunities for the involvement and help of Nevada communities in developing a transportation system that meets real community needs. More information regarding NDOT meetings open to the public can be found at <https://www.dot.nv.gov/doing-business/public-involvement-information>.

All public meetings and hearings held by NDOT are required to be accessible to all persons of the public. Public meetings, training sessions, or other programs or events must be in an accessible location and provide necessary accommodations to all persons as indicated as such on a meeting notice to the public. Further guidance regarding meeting accommodations for accessibility can be obtained on the U.S. Department of

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Justice webpage, Accessible Information Exchange: Meeting on a Level Playing Field, at <https://www.ada.gov/business/accessiblemtg.htm>.

NDOT will provide qualified interpreters upon request and can provide documents in an accessible electronic format or other alternative formats such as large print. Requests for such accommodations at meetings or events should be made with as much advance notice as possible prior to the meeting or event.

Requests for accommodations at a meeting or event should include the following information:

- The requestor's name, address, email address and telephone number (if any)
- A description of meeting or event, including the location of the meeting or event
- A brief description of what accommodation is needed, (e.g. interpreters, alternative format of materials, etc.)

Requests for accommodations regarding meetings or events can be made via telephone, teletypewriter or by sending an email to [ADAProgram@dot.state.nv.us](mailto:ADAProgram@dot.state.nv.us).

The NDOT ADA/504 Coordinator, or designee, will respond to the request at least 24 hours before the scheduled time of the meeting or event.

## 4.2 STANDARDS

As a recipient of federal financial assistance from the U.S. Department of Transportation and as an agency of the Nevada state government, the Nevada Department of Transportation is required to comply with both Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Both the Section 504 regulations issued by the U.S DOT and the ADA regulations issued by the U.S. Department of Justice require NDOT to design, construct, and alter sites, facilities, buildings, and elements according to federally established accessibility standards. These standards are used in the self-evaluation process to evaluate the accessibility of features within NDOT facilities and public rights-of-way.

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### 4.2.1 Section 504 Standards

In order to implement both Section 504 and the transportation and related provisions of titles II and III of the Americans with Disabilities Act of 1990, the DOT most recently

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adopted the 2004 ADA and ABA Accessibility Guidelines in 2006 (49 CFR §27.3(b); 36 CFR §1191 Appendices B and D) with modifications (49 CFR §27 Appendix A). The 2006 DOT ADA Standards apply to the design, construction, and alteration of buildings or other fixed facilities by public entities subject to DOT Section 504 requirements (see 49 CFR §27.3(b)). These Standards specifically address, but are not limited to, public transportation facilities such as bus stops, bus stations, and rail stations.

The DOT's ADA Standards also include four modifications to the 2004 ADA and ABA Accessibility Guidelines, one of which addresses detectable warnings at curb ramps (406.8). Curb ramps are required to be provided at all pedestrian crosswalks constructed with federal financial assistance from the Department of Transportation (see 49 CFR §27.75(a)(2)).

Though not specifically addressed in the Department of Transportation's 2006 ADA Standards, 49 CFR §27.75 of the DOT Section 504 regulations also require that rest area facilities constructed with federal financial assistance comply with the 2006 DOT ADA Standards:

(a) New facilities—(1) Highway rest area facilities. All such facilities that will be constructed with Federal financial assistance shall be designed and constructed in accordance with the Accessibility Standards referenced in §27.3(b) of this part.

(b) Existing facilities—Rest area facilities. Rest area facilities on Interstate highways shall be made accessible to persons with a disability, including wheelchair users, within a three-year period after the effective date of this part. Other rest area facilities shall be made accessible when Federal financial assistance is used to improve the rest area, or when the roadway adjacent to or in the near vicinity of the rest area is constructed, reconstructed or otherwise altered with Federal financial assistance.

Recipients of DOT financial assistance are required to apply the 2006 DOT ADA Standards to all facilities constructed or altered after 29 November 2006 to the extent that it is not structurally impracticable (49 CFR §37.41(b)(1)), unless such action "would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden" (49 CFR §27.7(e)). Elements of facilities subject to the DOT requirements that were constructed or altered before 29 November 2006 are not required to undergo structural changes in order to comply with the 2006 DOT ADA Standards if the constructed or altered elements comply with the 1991 ADA Accessibility Guidelines (ADAAG). The DOT states the following in 49 CFR §37.9(c):

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(1) New construction or alterations of buildings or facilities on which construction has begun, or all approvals for final design have been received, before November 29, 2006, are not required to be consistent with the requirements set forth in Appendices B and D to 36 CFR part 1191 and Appendix A to this part, if the construction or alterations comply with the former Appendix A to this part, as codified in the October 1, 2006, edition of the Code of Federal Regulations [1991 ADAAG].

(2) Existing buildings and facilities that are not altered after November 29, 2006, and which comply with the former Appendix A to this part, are not required to be retrofitted to comply with the requirements set forth in Appendices B and D to 36 CFR part 1191 and Appendix A to this part.”

Otherwise, if existing facilities subject to the DOT Section 504 requirements were constructed or altered before 29 November 2006 and currently do not comply with the 1991 ADA Accessibility Guidelines or provide an equivalent or greater level of access to persons with disabilities by some other means, these facilities must be brought into compliance with the current 2006 DOT ADA Standards. Departures from the 2006 ADA Standards are permitted if substantially equivalent or greater accessibility and usability is provided through the use of alternative designs, products, or technologies (see 49 CFR §37.9(d)).

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#### 4.2.2 ADA Standards

The 2010 ADA Standards issued by the Department of Justice, which are based on the 2004 ADA and ABA Accessibility Guidelines (36 CFR §1191 Appendices B and D) and the requirements specified in 28 CFR §35.151, address newly constructed or altered facilities subject to the ADA, excluding the public transportation facilities subject to the DOT’s 2006 ADA Standards. The ADA Standards issued by the DOJ include additional technical requirements beyond the scope of the 2004 Guidelines. These modifications include requirements for facilities such as Assembly Areas, Medical Care Facilities, Places of Lodging, Houses at Places of Education, Detention and Correctional Facilities, Social Service Center Establishments, and Residential Dwelling Units.

Sections 35.149-152, under the heading “Program Accessibility,” deal specifically with facility accessibility. Section 35.150 specifies accessibility requirements for existing facilities:

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A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

While providing access to services, programs, or activities is required, structurally modifying an existing facility to achieve accessibility may not be required if an entity can prove that it “would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens” §35.150(a)(3). In this case, the text goes on to state that the head of the public entity or his or her designee must make the decision along with “a written statement of the reasons for reaching that conclusion” and must

take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

“A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with [the requirements of 28 CFR §35]” §35.150(b). But unless an entity can provide other means by which minimum accessibility is achieved, structural changes to a facility were and continue to be required where the level of access falls below the applicable federal standards for accessibility.

Additionally, under the safe harbor clause in 28 CFR §150(b)(2):

Elements that have not been altered in existing facilities on or after March 15, 2012 and that comply with the corresponding technical and scoping specifications for those elements in either the 1991 Standards or in the Uniform Federal Accessibility Standards (UFAS), Appendix A to 41 CFR part 101-19.6 (July 1, 2002 ed.), 49 FR 31528, app. A (Aug. 7, 1984) are not required to be modified in order to comply with the requirements set forth in the 2010 Standards.

However, if no requirements exist in the applicable standards for elements of an existing facility that were constructed or altered before March 15, 2012, but do exist in the current 2010 Standards, those elements must comply with the current requirements. If elements of an existing facility are altered after 15 March 2012, those alterations must comply with the current 2010 ADA Standards.

All new construction or alterations are required to

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be designed and constructed in such a manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992 (§35.151(a)).

An exception to this requirement is provided if

a public entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics or terrain prevent the incorporation of accessibility features (28 CFR §35.151(a)(2)).

However, if full compliance is determined to be structurally impracticable, §35.151(a)(2)(ii) still requires accessibility “to the extent that it is not structurally impracticable,” while (iii) requires access to be ensured to persons with other types of disabilities.

Section 35.151(c)(1) through (3) go on to require that all new construction or alterations comply with the applicable accessibility standards in effect at the time of construction (§35.151(c)(1)-(3)). Essentially, all new construction or alteration that was commenced after 26 July 1992, but prior 15 March 2012, is required to conform to the accessibility requirements set forth in either the 1991 ADA Standards for Accessible Design or the UFAS unless “it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.” However, Section 35.151(b)(1) adds an earlier date for alterations that may affect the usability of a facility or part of a facility, stating that alterations commenced after 26 January 1992 are required to comply with the applicable accessibility requirements in effect at the time of alteration “to the maximum extent feasible.” Section 35.151(c) goes on to state that all new construction and alterations performed after 15 March 2012 are required to comply with the current 2010 ADA Standards for Accessible Design. If any new construction or alteration does not comply with the applicable accessibility standards in effect during the time of construction or alteration, the facility or element shall “be made accessible in accordance with the 2010 Standards” (§35.151(c)(5)(ii)).

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### 4.2.3 Public Right-of-Way Accessibility Guidelines

The U.S. Access Board published the final rule for the Public Right-of-Way Accessibility Guidelines on 8 August 2023. These guidelines provide scoping and technical requirements for pedestrian facilities in the public right-of-way, such as pedestrian

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access routes, accessible pedestrian signals, crosswalks, curb ramps, transit stops, and on-street parking. The guidelines now await adoption as law by agencies responsible for implementing Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), and the Architectural Barriers Act (ABA).

## 4.3 FACILITIES/BUILDINGS

In 2019, the Architecture Section of the Nevada DOT hired a consultant to conduct a facilities condition analysis of all NDOT-owned facilities. State facilities included the NDOT Headquarters building in Carson City, district offices, and maintenance facilities. This survey was performed to identify the condition of the existing facilities and note deficiencies, including major accessibility deficiencies.

Working in conjunction with the Architecture Section, the ADA/504 Section will conduct a more extensive ADA-exclusive checklist and survey of all NDOT-owned facilities over the next five years. The survey will disclose the location of deficiencies, allowing for the development of an Accessibility Master Plan. When completed, the updated self-evaluation data will be made available and displayed similar to the ADA Feature Inventory interactive GIS map.

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### 4.3.1 Rest Areas and Welcome Centers

A four-year contract to evaluate all Nevada DOT rest areas and welcome centers is currently in progress. Each rest area facility has undergone, or will undergo, a full on-site inventory and assessment of all interior and exterior elements for the identification and mitigation of every physical barrier to accessibility.

Objective attribute data is collected for each feature in accordance with design specifications set forth in the ADA Standards and other applicable accessibility guidelines. The collected information provides a comprehensive inventory of the types and attributes of all features and barriers to access at the rest area facility at the time of assessment. The data is then processed and evaluated for compliance with technical and scoping requirements applicable at the time of construction or alteration. A facility report with facility maps will detail each non-accessible feature attribute, along with relevant technical and scoping requirements, prioritization, and recommended actions. Prioritization of mitigation will be determined based on the severity level and location of the feature. In addition, a geodatabase will provide a collection of datasets for each rest

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area, containing all data for features and paths of travel.

Rest area assessments have been conducted on site at 17 of the 33 rest area facilities across the state of Nevada. Assessment data from 10 assessed rest areas has been fully evaluated for compliance with applicable and relevant accessible design requirements. Data from 5 additional rest areas is currently being evaluated. Of the 10 fully evaluated rest areas, facility reports from 5 rest areas have been completed and 3 additional rest area facility reports are now in progress. Preparation for future on-site assessments is underway.

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### 4.3.2 Rest Area Assessment Methods

The Rest-Stop Assessment Process (RSAP) utilizes state-of-the-art equipment and software that efficiently guides the assessment technician through an exhaustive evaluation of each rest area feature, covering all specifications from applicable accessibility standards and guidelines. Each rest area is divided into separate collection zones, in which all constructed and usable features are located. The location, current condition, and dimensional measurements of each relevant and usable feature is recorded for analysis using a number of digital and non-digital measuring devices. The collected data provides an exhaustive description of each feature that may be compared to current and future accessibility requirements. The data is also linked to GPS coordinates for spatial analysis and visual display of all of the rest area elements, providing a visual representation of the level of access provided at the facility. Feature data will be provided in an ADA Feature Inventory Database.

## 4.4 PUBLIC RIGHTS-OF-WAY

A comprehensive survey was conducted to assess the existing condition of access features within NDOT public rights-of-way. The statewide self-evaluation was completed in July of 2015. Beginning in 2019, a re-evaluation was commenced and is currently in progress. The field-level survey of state-maintained roadways collects data indicative of the current condition of sidewalks, curb ramps, residential driveways, and pedestrian pushbuttons.

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#### 4.4.1 Public Rights-of-Way Assessment Methods

The evaluation of NDOT public rights-of-way inventories sidewalks and access features, while identifying barriers to accessibility according to applicable standards. Since 2015, the assessment process has followed the 2006 DOT ADA Standards, the 2009 Manual on Uniform Traffic Control Devices (MUTCD) which was revised in 2012, the 2013 proposed Public Rights-of-Way Accessibility Guidelines (PROWAG), and the 2020 NDOT Standard Plans for Road and Bridge Construction. Feature attributes for both previously-assessed and new features have been collected according to NDOT ADA measuring guide specifications using an NDOT survey built in the Esri ArcGIS Field Maps app. Feature attributes within the app were updated by February of 2022 to enhance the collection process and precision. Measurement equipment included the Beneficial Designs Digital Tread Squared (a measuring wheel equipped with two perpendicular digital levels for the measurement of sidewalk distance, grade, and cross slope), simple distance measuring wheels, tape measures, and stop watches. Collected feature data and photos are stored in the **NDOT ADA Right of Way Inventory** database and accessed through ArcGIS Online. An additional review and guidance section was added in July of 2022. After assessment, data and photos are reviewed for each feature. Non-compliant attributes are identified and guidance for mitigation is recorded within the feature.

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##### 4.4.1.1 Line Data Collection

In July of 2023, the NDOT sidewalk assessment process was modified to add line data to the collection. The Beneficial Designs Public Rights-of-Way Assessment Process (PROWAP) system, which was developed with FHWA funding through the Small Business Innovation Research Program (SBIR), is now being used alongside the ArcGIS Field Maps app to assess NDOT public rights-of-way. Equipped with software, GPS, camera, electronically stabilized sensors for measuring both grade and cross slope simultaneously, and a digital distance encoder, the PROWAP system enables fast, accurate, and automated collection of detailed sidewalk data.

The new line data will be added to the **NDOT ADA Right of Way Inventory** database and includes attribute layers for each sidewalk characteristic, including grade, cross slope, tread width, length, surface type, and surface quality. Since compliance with PROWAG requirements is dependent upon the location of the pedestrian access route, an additional attribute categorizes the line data as sidewalk, driveway crossing, curb ramp, or crosswalk. This detailed sidewalk inventory will enable accurate, visual analysis of pedestrian access routes in NDOT public rights-of-way. Missing sidewalk or passing

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spaces will also be easily identified as well. Multiple attributes may be compared and queried to visually prioritize construction and identify the exact portions of sidewalk that are in urgent need of attention. The area of the non-compliant pathways will be able to be easily determined by length and tread width data.

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#### 4.4.1.2 PROWAG Updates

The publication of the Public Right-of-Way Accessibility Guidelines final rule introduced a number of changes from the proposed rulemaking, which has largely guided the current NDOT sidewalk assessment process. These changes are being reviewed and will soon be incorporated into the evaluation of NDOT public rights-of-way.

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#### 4.4.1.3 Feature Data Collection Priorities

The comprehensive statewide data collection focuses on key access features and barriers to access for all state-maintained pedestrian access routes. The assessment data covers the following:

- **Narrow Access Points:**  
The length and width of any portion of the pedestrian access route (exclusive of the width of the curb) that provides a clear width less than the minimum requirement is recorded. Narrow access points may be caused by design or obstructions within the path of travel. Where sidewalks are wider than the minimum required clear width, only a portion of the sidewalk is required to comply with clear width requirements. Pedestrian access routes must provide a minimum clear width of 48 inches. Required passing spaces placed at intervals no greater than 200 feet must provide a minimum clear width of 60 inches.
  - **Discontinuities:**  
Dimensional and slope attributes are collected for discontinuities, which represent any potential hazard or barrier to access within the entire pedestrian circulation path—not just the pedestrian access route. These include irregular vertical or horizontal changes in level within the sidewalk, oversized or incorrectly oriented openings, excessive slopes, excessive drop-offs, and objects protruding into the pedestrian circulation path.
  - **Curb Ramps:**  
Attributes collected for every curb ramp include, but are not limited to, design type; distance from the associated pedestrian pushbutton; the presence, size, and location of a detectable warning surface; gutter slope; utility impact; and the
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presence, dimensions, gutter slopes, and slopes of a landing (turning space), ramp, and wings.

- **Residential Driveway:**

Attributes collected for every residential driveway include design type, clear width, utility impact, and both driveway and wing slopes.

- **Accessible Pedestrian Signal (APS) and Pedestrian Pushbutton:**

Pedestrian pushbuttons and their associated pedestrian signals, as well as rectangular rapid flashing beacons (RRFB), are assessed according to the following attributes: orientation; pushbutton reach and height; distance from the accessible sidewalk surface to the pushbutton; the presence of audio, visual, and vibrotactile cues; the presence of audio and visual countdown; and distance to cross.

- **Missing Features:**

The type and length of any missing elements necessary for access to pedestrian access routes are recorded, including cutouts within the path of travel, sidewalks without a curb ramp at pedestrian crossings, or abrupt sidewalk endings.

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#### 4.4.2 NDOT ADA Feature Inventory and Feature Collection Database

A well-maintained, interactive Geographic Information Systems (GIS)-based **NDOT ADA Right of Way Inventory** database has been developed by NDOT, providing access to all self-evaluation data. This database is updated daily by feature collections in the field. The **NDOT ADA Right of Way Inventory** map is available to the public through ArcGIS Online and may be accessed from the NDOT website at <https://www.dot.nv.gov/doing-business/external-civil-rights/ada-program>

or the direct link at

<https://ndot.maps.arcgis.com/home/webmap/viewer.html?webmap=0202ae8a996a4715b9da2fe1b2e2548e>.

- By clicking on any feature symbol within the map, the assessment data and photo for the specific feature will be displayed. The color of each feature symbol communicates compliance or noncompliance with accessibility requirements.

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##### 4.4.2.1 Data Maintenance

The field data in the ADA Feature Inventory and Feature Collection database is updated annually (at a minimum) to reflect improvements constructed by NDOT or installed via encroachment permits. The Design Division Standards Compliance Section, in

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coordination with the ADA/504 Section, will conduct field reviews of these projects.

#### 4.4.3 NDOT Accessibility Status – Self-Assessment Summary

Over 32,000 ADA feature points have been collected statewide, detailing the required accessibility attributes for all NDOT public rights-of-way. The ongoing self-evaluation inventory provides NDOT a baseline of compliance/non-compliance with which to measure progress through the implementation of this Transition Plan. As new projects are completed, this data will be updated to directly disclose the progress of accessibility as the total number of compliant features increases and the total number of non-compliant features decreases. If and when the total number of compliant features decreases, the cause is not new construction of non-compliant features, but rather regular evaluation of existing features with increased accuracy and detail. Ultimately, stricter evaluations may mean lower compliance numbers initially, but greater accessibility progress in the future, as every feature is objectively assessed and checked against current standards. The Nevada DOT is working hard to eliminate every barrier to access by careful attention to detail. Nevada DOT actions and future progress goals will be discussed in Section 55 TRANSITION PLAN. Self-evaluation data analyses from 2015, December of 2022, and October of 2023 have yielded the following results below.

<b>Access Features (Statewide)</b>					
<b>Feature</b>	<b>Year</b>	<b>Total</b>	<b>Compliant</b>	<b>Non-Compliant</b>	<b>% Compliant</b>
<b>Curb Ramp</b>	2023	12,296	8,207	4,089	67%
	2015	11,767	5,688	6,079	49%
<b>APS/Ped Pushbutton</b>	2023	3,648	604	3,044	17%
	2015	3,211	355	2,856	12%
<b>Residential Driveway</b>	2023	5,231	732	4,499	14%
	2015	5,063	561	4,502	11%
<b>Totals</b>	<b>2023</b>	<b>21,175</b>	<b>9,543</b>	<b>11,632</b>	<b>45%</b>
	<b>2015</b>	<b>20,041</b>	<b>6,604</b>	<b>13,437</b>	<b>33%</b>



<b>Barriers to Access (Statewide)</b>		
<b>Barrier</b>	<b>Year</b>	<b>Total</b>
<b>Narrow Access Points</b>	2023	7,005
	2015	6,778
<b>Discontinuities</b>	2023	3,898
	2015	887
<b>Totals</b>	2023	<b>10,903</b>
	2015	<b>7,665</b>

The Narrow Access, Discontinuities and Missing Features data do not have a percentage compliance measure, as the collected field data only counts non-compliant features.

A total of 26.8 miles (or around 141,500 feet) of sidewalk line data has been collected from the beginning of July through 19 October 2023. This distance roughly represents the equivalent of about 354 blocks, corner to corner, based on an average city block length of about 400 feet. This data is currently being prepared for compliance evaluation and inclusion in the **NDOT ADA Right of Way Inventory** map. As assessments continue and line data is gathered from multiple districts, future updates to this Transition Plan will include an additional data table to display the incoming line data.

<b>Missing Sidewalk (District)</b>	
<b>NV District</b>	<b>2023 (mi)</b>
<b>I</b>	8.96
<b>II</b>	20.17
<b>III</b>	10.11
<b>Total</b>	<b>39.24</b>

Total estimated miles of sidewalk and missing sidewalk per city across the state of Nevada have been disclosed in Appendix O. Estimations are being updated and reassessed in the field. The missing sidewalk data represents locations where the sidewalk does not continue along the public right-of-way. The total length in linear miles of missing sidewalk is outlined in this dataset.

## 5 TRANSITION PLAN

As a requirement of the Americans with Disabilities Act, this Transition Plan provides NDOT a method to define, schedule and implement structural changes to achieve program accessibility in compliance with ADA requirements. This Plan is a living document looking to the future to develop accessible transportation infrastructure. The NDOT vision of a transportation system that is accessible to all people, regardless of ability, is considered in the design and construction of all projects. With this Plan, the goal of the Nevada DOT is to bring all facilities into compliance, providing for continuity and consistency throughout the NDOT system.

### 5.1 NDOT ACTIONS FOR ACHIEVING ADA COMPLIANCE

As a general practice, NDOT updates curb ramps as part of its Pavement Rehabilitation Program (3R), where right-of-way and funding allow. New construction projects also include updating curb ramps as part of the scope of the project. It is the intent of this Transition Plan to further NDOT's efforts by incorporating a holistic approach to its ADA projects and not focus solely on curb ramps. NDOT will continue to address curb ramps on new construction projects and, as technically feasible (see Section 5.1.4), on alteration projects. ADA specific projects will also be developed to address ADA issues holistically over a particular stretch of roadway. These ADA projects may be completed as independent projects or may be combined with other projects to maximize the use of the available funding and minimize impacts to the public. Refer to Appendix 6.8 – ADA 5 Year Plan of Projects for a list of ADA improvement projects NDOT is planning on delivering over the next 5 years.

Planned NDOT buildings/facilities enhancement projects are prioritized with the focus of addressing any accessibility deficiencies identified from the 2019 Architectural site inspections. Future NDOT efforts will include the development of a facilities improvement Master Plan, based on the updated planned facilities self-evaluation data, which will identify a prioritization for facility deficiencies and a plan of projects to be delivered over time.

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#### 5.1.1 Prioritization Criteria

NDOT evaluates the following criteria in planning and developing ADA projects:

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- **Safety:**  
Factors considered include number and/or type of pedestrian crashes, traffic volume and the functional classification of the roadway, which indicates the character of the roadway in terms of accessibility and mobility.
- **Existing Conditions:**  
Identifies level of compliance with ADA standards in terms of curb ramps, sidewalk irregularities due to vertical differences, horizontal gaps and slopes, location of pedestrian push buttons, pedestrian access route considering sidewalk width and length, and residential driveways slope and cross slope requirements.
- **Complaints:**  
Number of complaints.
- **Pedestrian Generators:**  
Factors in the density and types of services or facilities that have pedestrian traffic, such as essential services in the form of government services, hospitals, emergency services, and schools; transit stops; attractions such as stores, recreational facilities and libraries; and residential developments.

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### 5.1.2 Budget (Program Target + Other Projects)

The self-evaluation of attributes for NDOT's public rights-of-way resulted in accessibility improvements equating to roughly \$50 Million in construction costs, not including the cost of acquiring right of way. As a part of its commitment to meeting ADA and Title II requirements, NDOT has provided a targeted allocation range of two to five million dollars (\$2,000,000 to \$5,000,000) per year for ADA improvement projects. This yearly amount is in addition to funding planned or expended through the construction activities of other NDOT preservation and new construction programs.

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### 5.1.3 Timing

NDOT has completed a survey of pedestrian facilities within its rights-of-way. This survey has generated a report of non-compliant locations. NDOT is currently in the process of analyzing that report and establishing potential projects to bring those deficiencies into compliance. As potential projects are identified, they are evaluated using the established criteria to determine their priority in the program and to generate a list of proposed projects for future years.

This list will be further refined considering other factors that impact project delivery

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such as environmental requirements, rights-of-way requirements, constructability and a logical sequence to the projects to maximize the provided funding for ADA projects. Then a list of projects for the next five years will be generated. This list will be used to incorporate the projects into NDOT's work program. The progress and schedule of the ADA projects will be updated, at a minimum, annually. Adjustments to the list may be made as the projects proceed through the delivery process and issues arise.

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#### 5.1.4 Technically Infeasible Locations

Any existing NDOT pedestrian facility or features being altered shall be made accessible to the maximum extent feasible within the scope of the alteration.

NDOT recognizes that there are locations where it is "technically infeasible" to bring the facilities or features into full compliance due to existing physical site constraints. Alterations to features, spaces, or facilities within public rights-of-way are considered technically infeasible when existing physical site constraints such as underlying terrain, right-of-way availability, underground structures, adjacent developed facilities, drainage, or the presence of a notable natural or historic feature, make it impracticable to bring the altered elements into compliance. (United States Access Board (PROWAG), 2011, p. 20)

For these locations, NDOT will address any accessibility deficiencies as feasible to ensure maximum compliance is achieved on the alteration project. If alterations are determined technically infeasible to achieve ADA compliance, then the pedestrian facility and features shall be documented with justification, approved by the Chief Road Design Engineer and identified as a project in the Transition Plan's ADA 5 Year Plan of Projects to be addressed as soon as possible. If alterations are determined structurally impracticable to achieve ADA compliance, then the pedestrian facility and features shall be documented with justification and approved by the Chief Road Design Engineer.

Technical infeasibility does not apply for new construction. All new construction projects including pedestrian facilities or features shall meet current ADA standards unless it is structurally impracticable (See 28 CFR 35.151(a)(2)).

## 5.2 ROLES & RESPONSIBILITIES AT NDOT

Several different NDOT divisions play a direct role in assuring ADA compliance for the

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department's facilities and rights-of-way.

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### 5.2.1 Roadway Design

Roadway Design is responsible for designing and developing contract plans for the Department including ADA compliant designs for roadway new construction as well as roadway alteration projects. All new construction projects will be designed to current ADA standards unless structurally impracticable to do so.

The Standards and Manuals section within Design reviews contract plans and access permits to ensure ADA compliance. This section is also responsible for updating the ADA features inventory database as permits and construction contracts are constructed.

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### 5.2.2 District Maintenance

NDOT's Maintenance forces are responsible for reporting ADA feature compliance issues, on NDOT facilities and right-of-way, to the ADA Coordinator as they become aware of them. Minor ADA feature compliance issues such as impeding tree branches, non-compliant signs, minor discontinuities, etc. shall be directly addressed by the Maintenance forces as soon as possible.

When District Maintenance develops a contract which performs a resurfacing or "alteration" of the roadway (see Appendix 6.3 for resurfacing scope that constitutes an alteration), it is responsible for ensuring the appropriate ADA improvements are incorporated in the contract. Similarly, if a maintenance project scope alters or impacts pedestrian accessibility elements, they shall be addressed accordingly.

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### 5.2.3 District Construction

When District Construction develops a contract which performs a resurfacing or "alteration" of the roadway (see Appendix 6.3 for resurfacing scope that constitutes an alteration), it is responsible for ensuring the appropriate ADA improvements are incorporated in the contract. Similarly, if a maintenance project scope alters or impacts pedestrian accessibility, the elements shall be addressed accordingly.

Each of NDOT's three District Construction sections are responsible for enforcing ADA compliance during construction activities and providing post construction inspection for ADA compliance.

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District Construction will include Roadway Design's Standards and Manuals group on contract reviews and will also coordinate/notify them on a quarterly basis of completed contracts so the ADA database can be updated.

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#### 5.2.4 District Traffic

The District Traffic sections are responsible for enforcing ADA compliance on permit applications and improvement contracts. When District Traffic develops a contract which performs an "alteration" of the roadway (see Appendix 6.3 for resurfacing scope that constitutes an alteration) or alters or impacts pedestrian accessibility, it is responsible for ensuring the appropriate ADA improvements, including accessible pedestrian signals (APS), are incorporated in the contract.

District Traffic will also include Roadway Design's Standards and Manuals group on permit reviews and will also coordinate/notify them on a quarterly basis of completed permits so the ADA database can be updated.

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#### 5.2.5 Headquarter Maintenance

When Headquarter Maintenance develops a contract which performs a resurfacing or "alteration" of the roadway (see Appendix 6.3 for resurfacing scope that constitutes an alteration), it is responsible for ensuring the appropriate ADA improvements are incorporated in the contract. Similarly, if a maintenance project scope alters or impacts pedestrian accessibility elements, they shall be addressed accordingly.

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#### 5.2.6 Traffic Safety

The Traffic Safety Engineering division is responsible for incorporating ADA improvements into contract plans as appropriate, including consultant generated contract plans, and provide plans to the Roadway Design Standards Compliance section for review to ensure compliance with ADA requirements.

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#### 5.2.7 Traffic Operations

The Traffic Operations division is responsible for incorporating ADA improvements into contract plans as appropriate, including consultant generated contract plans, and provide plans to the Roadway Design Standards Compliance section for review to ensure

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compliance with ADA requirements.

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### 5.2.8 Project Management

The Project Management division is responsible for incorporating ADA improvements into contract plans as appropriate, including consultant generated contract plans.

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### 5.2.9 Architecture

The Architecture Division is responsible for designing, constructing and inspecting ADA compliant improvements to NDOT buildings and rest areas.

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## 5.3 MONITORING COMPLIANCE PROGRESS

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### 5.3.1 Annual Performance

This Transition Plan is a living document and will be updated annually to reflect ADA program project and process updates as well as report on the progress of the Department's statewide ADA compliance for its facilities and rights-of-way.

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## 5.4 TECHNICAL COMPLIANCE

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### 5.4.1 Design Standards

The following information provides links to the guidelines and standards used by NDOT to ensure access and ADA compliance in the design, construction and improvement of NDOT facilities. Links to the webpages below will also be posted and updated on the NDOT ADA webpage at <https://www.dot.nv.gov/doing-business/external-civil-rights/ada-program>.

- **Nevada Department of Transportation Road Design Guide**  
<https://www.dot.nv.gov/doing-business/about-ndot/ndot-divisions/engineering/design/standard-specifications-and-plans>
  - **Nevada Department of Transportation Standard Specifications for Road and Bridge Construction**
-

<https://www.dot.nv.gov/doing-business/contractors-construction/contract-services/standard-specifications-and-plans>

- **Public Rights-of-Way Accessibility Guidelines (PROWAG)**  
<https://www.access-board.gov/prowag/>
- **2006 & 2010 ADA Standards for Accessible Design (DOJ and DOT versions combined)**  
<https://www.access-board.gov/ada/>
- **2010 DOJ ADA Standards for Accessible Design**  
[http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)

When NDOT designs access to public rights-of-way, PROWAG is used as the primary design guide. The 2010 ADA Standards for Accessible Design is used for designing access to NDOT facilities. Other standards noted above serve as supplemental guides depending on the scope of the work entailed.

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#### 5.4.2 Construction Tolerances

Due to inevitable construction tolerances, NDOT facilities will be designed to exceed technical accessibility requirements.



## 6 APPENDIXES

### 6.1 ADDITIONAL REFERENCE INFORMATION

#### 6.1.1 Web-Links

The following webpage links provide further information pertaining to Title II ADA and Section 504:

- **USDOJ and USDOT Joint Technical Assistance regarding curb ramps when required with resurfacing**  
[http://www.fhwa.dot.gov/civilrights/programs/doj\\_fhwa\\_ta.cfm](http://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta.cfm)
- **Glossary of Terms for resurfacing**  
[http://www.fhwa.dot.gov/civilrights/programs/doj\\_fhwa\\_ta\\_glossary.cfm](http://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta_glossary.cfm)
- **FHWA's Accessibility Resource Library**  
<http://www.fhwa.dot.gov/accessibility/index.cfm>
- **U.S. Access Board's Proposed Guidelines for Pedestrian Facilities in the Public Rights-of-way Public Rights-of-Way Accessibility Guidelines (PROWAG) Notice of Proposed Rule Making, July 26, 2011**  
<https://www.regulations.gov/document/ATBCB-2011-0004-0347>
- **DOT Section 504 Regulations**  
<https://www.ecfr.gov/current/title-49/subtitle-A/part-27>
- **DOJ ADA Regulations**  
<https://www.ecfr.gov/current/title-28/chapter-I/part-35>
- **U.S. Access Board's Guide to the ADA Accessibility Standards**  
<https://www.access-board.gov/ada/guides/>
- **Questions and Answers for ADA/Section 504**  
[http://www.fhwa.dot.gov/civilrights/programs/ada\\_sect504qa.cfm](http://www.fhwa.dot.gov/civilrights/programs/ada_sect504qa.cfm)

## 6.2 GLOSSARY OF TERMS

**Accessible:** Describes a site, building, facility, or portion thereof that, under the DOT, complies with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

**Accessible Pedestrian Signal (APS):** A communication device located at traffic signals allowing for pedestrian walk phases using non-visual cues such as, audible tones, vibrotactile features or auditory announcements.

**Accessible Route:** An unobstructed, continuous route for pedestrian travel along a public sidewalk, crosswalk or ramp.

**ADA Accessibility Guidelines (ADAAG):** Also known as the 2010 ADA Standards for Accessible Design, used by NDOT as a supplemental standard under Section 504 of the Rehabilitation Act, contains the scoping and technical requirements for accessibility to buildings and facility sites.

**Alteration:** A change to a facility within the public rights-of-way which may affect access, circulation or use. See Appendix 6.3 for further explanation and examples of alterations related to resurfacing and maintenance.

**Blended Curb Transition:** A curb ramp where the sidewalk is blended into or flush with the street.

**Civil Rights Act of 1991:** To amend the Civil Rights Act of 1964 to strengthen and improve Federal Civil Rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

**Cross Slope:** The slope that is perpendicular to the direction of travel. (See running slope)

**Crosswalk:** A marked path across a roadway providing guidance for pedestrians who are crossing roadways by defining and delineating paths on approaches to and within signalized intersections, and on approaches to other intersections where traffic stops. At non-intersection locations, crosswalk markings legally establish the crosswalk. (FHWA Manual on Uniform Traffic Control Devices 2009 Edition, Sect. 3B.18, p. 383)

**Curb:** A vertical or rolled transition from the roadway or gutter to the sidewalk or

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planting strip.

**Curb Ramp:** A short ramp cutting through a curb or built up to it.

**Detectible Warning:** A standardized surface feature built in or applied to a walking surface or other elements along a public access path to warn visually impaired persons of a hazard.

**Driveway:** A vehicular path serving as an access point to public roadway from adjacent properties.

**Egress:** A continuous and unobstructed way of exit travel from any point in a building or facility to a public way. A means of egress comprises vertical and horizontal travel which may include doorways, corridors or ramps.

**Element:** An architectural or mechanical component of a facility, space, site or public rights-of-way.

**Facility:** All or any portion of buildings, structures, site improvements, equipment, roads, walks, passageways, parking lots or other real or personal property located on a public rights-of-way.

**Grade:** The slope that is parallel to the direction of travel expressed as a ratio of rise to run, usually expressed in percent.

**Locator Tone:** A repeating audio cue which identifies the location of a pedestrian push button.

**Manual on Uniform Traffic Control Devices (MUTCD):** Issued by the Federal Highway Administration (FHWA) as a standard for designing, installing, and using traffic signs, road surface markings, and signals.

**Parallel Curb Ramp:** A system of two sloped ramps that run parallel to the curb line from a common lower landing which is approximately level with the street.

**Pedestrian Access Route (PAR):** Any walk or path intended for pedestrian movement or activity.

**Perpendicular Curb Ramp:** A curb ramp with a main slope running perpendicular to the curb line. May include one or more flared side slopes.

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**Public Rights-of-way (ROW or R/W):** A type of easement granted or reserved over the land for transportation purposes, this can be for highway, public footpath, bike trails or electrical transmission lines.

**Public Right of Way Accessibility Guidelines (PROWAG):** Used by NDOT as its primary design standard for accessibility design within NDOT public right-of-way. Contains the scoping and technical requirements for accessibility to facilities for pedestrian circulation and use located in the public right-of-way.

**Ramp:** A sloped portion of walkway with a running slope greater than 1:20 or 5%.

**Running Slope:** The slope which is parallel to the direction of travel expressed as a ratio of rise to run, usually expressed in percent.

**Sidewalk:** The portion within the public rights-of-way which is improved for use by pedestrians.

**Signage:** Graphical information displayed as, symbols, emblems, words, tactile or pictorial information.

**Street Furniture:** Elements in the public rights-of-way which are intended for use by pedestrians such as benches, mailboxes, and other usable equipment.

**Structurally Impracticable:** Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of the terrain prevent the incorporation of accessibility features. Any portion of a facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable. (See 28 CFR 35.151(a)(2))

**Tactile:** Describes an object which can be perceived using the sense of touch.

**TTY (Tele-Typewriter):** A device similar to a typewriter which has a small readout. Employs interactive text based communications through the transmission of coded signals across the standard telephone network. Text telephones are also sometimes referred to as TTD (telecommunication devices for deaf persons) machines, however not common.

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## 6.3 ALTERATIONS THROUGH RESURFACING



**U.S. Department of Justice**  
Civil Rights Division  
*Disability Rights Section*



U.S. Department of Transportation  
**Federal Highway Administration**

### **Department of Justice/Department of Transportation Joint Technical Assistance<sup>1</sup> on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing**

Title II of the Americans with Disabilities Act (ADA) requires that state and local governments ensure that persons with disabilities have access to the pedestrian routes in the public right of way. An important part of this requirement is the obligation whenever streets, roadways, or highways are altered to provide curb ramps where street level pedestrian walkways cross curbs.<sup>2</sup> This requirement is intended to ensure the accessibility and usability of the pedestrian walkway for persons with disabilities.

An alteration is a change that affects or could affect the usability of all or part of a building or facility.<sup>3</sup> Alterations of streets, roads, or highways include activities such as reconstruction, rehabilitation, resurfacing, widening, and projects of similar scale and effect.<sup>4</sup> Maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations.

Without curb ramps, sidewalk travel in urban areas can be dangerous, difficult, or even impossible for people who use wheelchairs, scooters, and other mobility devices. Curb ramps allow people with mobility disabilities to gain access to the sidewalks and to pass through center islands in streets. Otherwise, these individuals are forced to travel in streets and roadways and are put in danger or are prevented from reaching their destination; some people with disabilities may simply choose not to take this risk and

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will not venture out of their homes or communities.

Because resurfacing of streets constitutes an alteration under the ADA, it triggers the obligation to provide curb ramps where pedestrian walkways intersect the resurfaced streets. See *Kinney v. Yerusalim*, 9 F 3d 1067 (3rd Cir. 1993). This obligation has been discussed in a variety of technical assistance materials published by the Department of Justice beginning in 1994.<sup>5</sup> Over the past few years, state and local governments have sought further guidance on the scope of the alterations requirement with respect to the provision of curb ramps when streets, roads or highways are being resurfaced. These questions have arisen largely due to the development of a variety of road surface treatments other than traditional road resurfacing, which generally involved the addition of a new layer of asphalt. Public entities have asked the Department of Transportation and the Department of Justice to clarify whether particular road surface treatments fall within the ADA definition of alterations, or whether they should be considered maintenance that would not trigger the obligation to provide curb ramps. This Joint Technical Assistance addresses some of those questions.

### **Where must curb ramps be provided?**

Generally, curb ramps are needed wherever a sidewalk or other pedestrian walkway crosses a curb. Curb ramps must be located to ensure a person with a mobility disability can travel from a sidewalk on one side of the street, over or through any curbs or traffic islands, to the sidewalk on the other side of the street. However, the ADA does not require installation of ramps or curb ramps in the absence of a pedestrian walkway with a prepared surface for pedestrian use. Nor are curb ramps required in the absence of a curb, elevation, or other barrier between the street and the walkway.

### **When is resurfacing considered to be an alteration?**

Resurfacing is an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling. Examples include, but are not limited to the following treatments or their equivalents: addition of a new layer of asphalt, reconstruction, concrete pavement rehabilitation and reconstruction, open-graded surface course, micro-surfacing and thin lift overlays, cape seals, and in-place asphalt recycling.

### **What kinds of treatments constitute maintenance rather than an alteration?**

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Treatments that serve solely to seal and protect the road surface, improve friction, and control splash and spray are considered to be maintenance because they do not significantly affect the public's access to or usability of the road. Some examples of the types of treatments that would normally be considered maintenance are: 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. In some cases, the combination of several maintenance treatments occurring at or near the same time may qualify as an alteration and would trigger the obligation to provide curb ramps.

### **What if a locality is not resurfacing an entire block, but is resurfacing a crosswalk by itself?**

Crosswalks constitute distinct elements of the right-of-way intended to facilitate pedestrian traffic. Regardless of whether there is curb-to-curb resurfacing of the street or roadway in general, resurfacing of a crosswalk also requires the provision of curb ramps at that crosswalk.

1 The Department of Justice is the federal agency with responsibility for issuing regulations implementing the requirements of title II of the ADA and for coordinating federal agency compliance activities with respect to those requirements. Title II applies to the programs and activities of state and local governmental entities. The Department of Justice and the Department of Transportation share responsibility for enforcing the requirements of title II of the ADA with respect to the public right of way, including streets, roads, and highways.

2 See 28 CFR 35.151(i)(1) (Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway) and 35.151(i)(2) (Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways).

3 28 CFR 35.151(b)(1).

4 2010 ADA Accessibility Standards, section 106.5.

5 See 1994 Title II Technical Assistance Manual Supplement, Title II TA Guidance: The ADA and City Governments: Common Problems; and ADA Best Practices Tool Kit for State and Local Governments: Chapter 6, Curb Ramps and Pedestrian Crossings under Title II of the ADA, available at [ada.gov](http://ada.gov).

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# **Glossary of Terms for DOJ/DOT Joint Technical Assistance on the ADA Title II Requirements to Provide Curb Ramps When Streets Roads or Highways are Altered Through Resurfacing**

This glossary is intended to help readers understand certain road treatments referenced on page 2 of the DOJ/FHWA Joint Technical Assistance on the ADA Title II Requirements to Provide Curb Ramps When Streets Roads or Highways are Altered Through Resurfacing. The definitions explain the meaning of these terms from an engineering perspective and are provided in the order in which they appear in the Technical Assistance document.

## **Treatments that are considered alterations of the road surface**

**Reconstruction** – Reconstruction refers to removing all or a significant portion of the pavement material and replacing it with new or recycled materials. This may include full-depth reclamation, where the pavement surface is demolished in place and new pavement surface is applied. In addition, reconstruction may also include grinding up a portion of the pavement surface, recycling it and placing it back, and then adding a wearing surface, such as in cold in-place asphalt recycling. Reconstruction often includes widening or geometrical changes to the roadway profile.

**Rehabilitation** – Rehabilitation refers to significant repairs made to a road or highway surface, including activities such as full slab replacement, filling voids under slabs (slabjacking), widening, and adding additional structural capacity.

**Open-graded surface course** – Open-graded surface course, also known as “open-graded friction course,” involves a pavement surface course that consists of a high-void, asphalt concrete mix that permits rapid drainage of rainwater through the course and off the shoulder of the road. The mixture consists of either Polymer-modified or rubber-modified asphalt binder, a large percentage of one-sized coarse aggregate, and a small amount of fibers. This treatment prevents tires from hydroplaning and provides a skid-resistant pavement surface with significant noise reduction.

**Microsurfacing** – Microsurfacing involves spreading a properly proportioned mixture of polymer modified asphalt emulsion, mineral aggregate, mineral filler, water, and other additives, on a paved surface. Microsurfacing differs from slurry seal in that it can be used on high volume roadways to correct wheel path rutting and provide a skid resistant pavement surface.

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**Thin lift overlays** – Thin lift overlays are thin applications of mixtures of hot mix asphalt. Thin lift overlays may also require some milling along curbs, manholes, existing curb cuts, or other road structures to assure proper drainage and cross slopes.

**Cape seal** – A cape seal is a thin surface treatment constructed by applying a slurry seal or microsurfacing to a newly constructed chip seal. It is designed to be an integrated system where the primary purpose of the slurry is to fill voids in the chip seal.

**In-place asphalt recycling** – In-place asphalt recycling is a process of heating and removing around 1-2 inches of existing asphalt and remixing the asphalt with the addition of a binder additive and possible aggregate to restore the wearing surface for placement and compaction. All of this is performed in a train of equipment.

### **Treatments that are considered maintenance of the road surface**

**Crack filling and sealing** – Crack filling and sealing involves placing elastomeric material directly into cracks in pavement.

**Surface sealing** – Surface sealing involves applying liquid sealant to pavement surface in order to stop water penetration and/or reduce oxidation of asphalt products. Sand is sometimes spread over liquid to absorb excess material.

**Chip seals** – Chip Seals involve placing graded stone (chips) on liquid emulsified asphalt sprayed on pavement surface. The surface is rolled to enable seating of chips.

**Slurry seal** – Slurry seals involve spraying a mixture of slow setting emulsified asphalt, well graded fine aggregate, mineral filler, and water on the pavement surface. It is used to fill cracks and seal areas of old pavements, to restore a uniform surface texture, to seal the surface to prevent moisture and air intrusion into the pavement, and to improve skid resistance.

**Fog seals** – Fog seals are a type of surface sealing.

**Scrub sealing** – Scrub sealing is type of surface sealing

**Joint crack seals** – Joint crack seals are usually associated with concrete pavement. This work consists of routing and cleaning existing cracks and joints and resealing to prevent water and non-compressibles from entering into the pavement joints and subgrade materials.

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**Joint repairs** – Joint repairs are usually associated with concrete pavement. This work consists of selectively repairing portions of the pavement where the slabs are generally in good condition, but corners or joints are broken. The depth of the patch could be full depth or partial depth.

**Dowel retrofit** – Dowel retrofits are usually associated with concrete pavement. This work involves the installation of dowel bars connecting slabs in existing pavements. Pavement with dowel bar retrofits can have life extensions of as much as 20 years. Its application is almost exclusively on high-speed Interstate highways.

**Spot high-friction treatments** – Spot high-friction treatments involve using epoxy based resin liquids as a binder for an aggregate with high-friction properties. These are used in locations where drivers are frequently braking and the pavement surface has less resistance to slipping.

**Diamond grinding** – Diamond grinding involves using a gang saw to cut grooves in the pavement surface to restore smoothness and eliminate any joint faulting.

**Pavement patching** – Pavement patching involves selectively repairing portions of the pavement where the slabs are generally in good condition, but corners or joints are broken. The depth of the patch could be full depth or partial depth.

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## 6.4 NOTICE TO THE PUBLIC

STATE OF NEVADA

DEPARTMENT OF  
TRANSPORTATION  
(NDOT)



**ADA**  
Americans with  
Disabilities Act

### **ADA NOTICE TO THE PUBLIC**

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

**Employment:** NDOT 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:** NDOT will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in NDOT's 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:** NDOT 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 NDOT 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 NDOT, should contact the office of External Civil Rights – ADA, NDOT ADA Coordinator at 775-888-7215 as soon as possible but no later than 48 hours before the scheduled event.

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

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Complaints that a program, service, or activity of NDOT is not accessible to persons with disabilities should be directed to:

Office of External Civil Rights – ADA

NDOT ADA/504 Coordinator

775-888-7193

[ADAProgram@dot.state.nv.us](mailto:ADAProgram@dot.state.nv.us)

NDOT 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.

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## 6.5 COMPLAINT FORM

The following Complaint form can be accessed and submitted online at:  
<https://www.dot.nv.gov/doing-business/external-civil-rights/ada-program>.

### **NDOT ADA Complaint Form**

Disability Based Discrimination.

Please fill out the form below and mail to:

Nevada Department of Transportation - External Civil Rights  
 ADA/504 Program  
 1263 South Stewart Street  
 Carson City, NV 89712

<b>1. Complainant Information</b>	
Phone Number:	
Alternate Phone:	
Mailing Address:	
City:	
State:	
Zip Code:	
Email Address:	
Today's Date:	
Preferred method of contact:	<input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> Mail
<b>3. Provide a detailed explanation of the accessibility barrier or discrimination: *</b>	

**4. Select each of the following that are applicable to the access barrier or discrimination complaint:**

- Public Rights-of-Way
- Program
- Service
- Activity

**5. Provide solution to the complaint:**

**6. Has any other agency been contacted regarding this request?**

- Yes
- No

**7. If yes, what agency or agencies did you contact?**

**8. If you spoke to an agency or agencies, who were the agents you spoke with?**

**Would you like an emailed copy of your submission?**

- Yes
- No

## 6.6 RECOMMENDATION AND COMMENT FORM

The following Recommendation and Comment form may be accessed and submitted online at <https://www.dot.nv.gov/doing-business/external-civil-rights/ada-program>.

### **NDOT ADA Recommendation and Comment Form**

Please fill out the form below and mail to:

Nevada Department of Transportation - External Civil Rights  
ADA/504 Program  
1263 South Stewart Street  
Carson City, NV 89712

<b>1. Contact Information</b>	
Phone Number:	
Alternate Phone:	
Mailing Address:	
City:	
State:	
Zip Code:	
Email Address:	
Today's Date:	
<b>2. Recommendations</b>	

**3. Comments**

**4. Has any other agency been contacted regarding this request?**

- Yes
- No

**5. If yes, what agency or agencies did you contact?**

**6. If you spoke to an agency or agencies, who were the agents you spoke with?**

**Would you like an emailed copy of your submission?**

- Yes
- No



## 6.7 ADA FEATURE INVENTORY – GIS MAP

An interactive Geographic Information Systems (GIS) map of the statewide ADA Feature Inventory can be found at

<https://ndot.maps.arcgis.com/home/webmap/viewer.html?webmap=0202ae8a996a4715b9da2fe1b2e2548e>. This map will allow anyone to view details and photos of the condition of access features (sidewalk, ramps, pedestrian signals/push buttons, etc.) within the NDOT right-of-way.

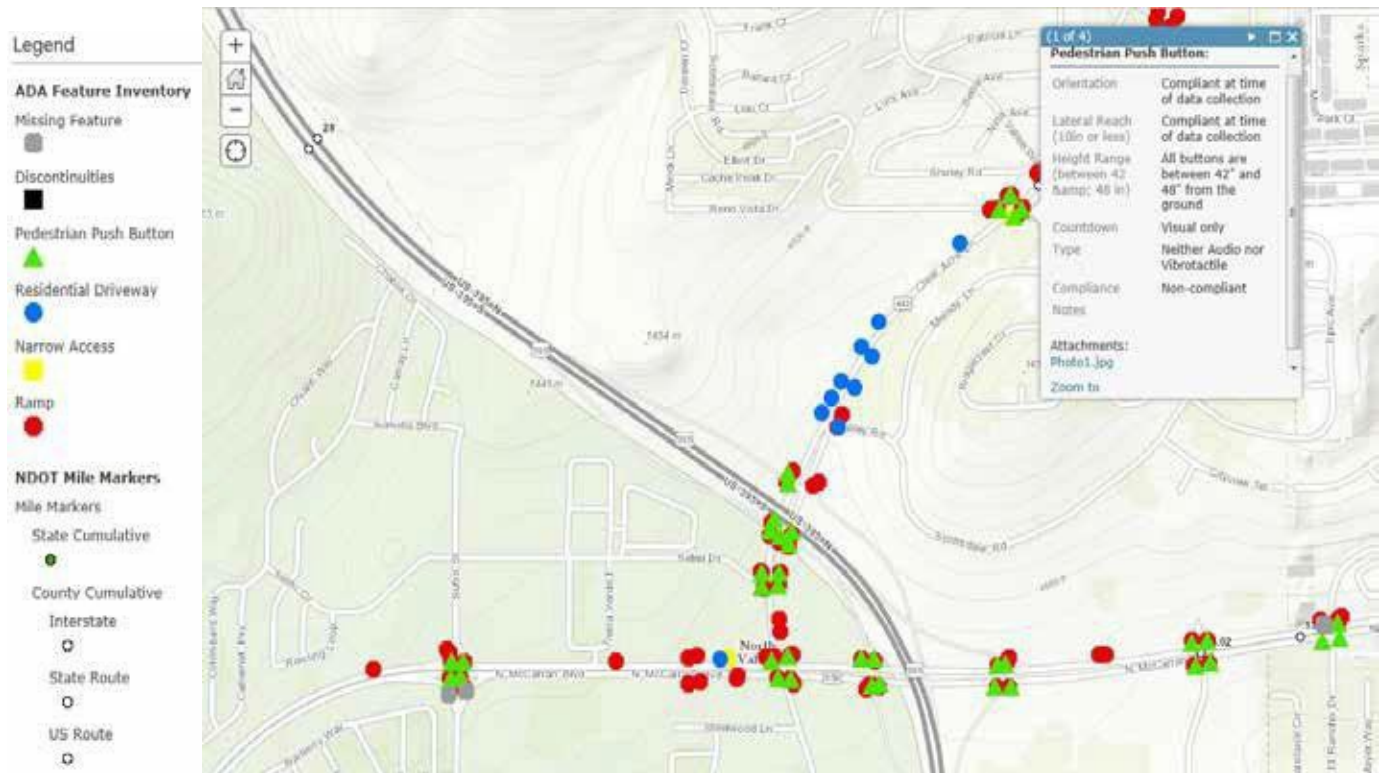


Figure 1 – ADA Features on Clear Acre Ln. and N. McCarran Blvd., Reno, NV

## 6.8 NDOT ADA/504 WEBSITE

NDOT's External Civil Rights ADA Program/Section 504 Program webpage can be accessed via the following internet link:

<https://www.dot.nv.gov/doing-business/external-civil-rights/ada-program>

The webpage provides ADA Coordinator contact information, Complaint Form for Disability Based Discrimination, Recommendation and Comment Form, and ADA resource/information links.

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## 6.9 ADA 5-YEAR SCHEDULE OF PROJECTS

Below is a comprehensive schedule of steps to achieve compliance with Section 504 and ADA Title II accessibility requirements. These ADA improvement projects are planned to be delivered over the next 5 years. The list outlines the project location, scope of work, the projected year for the project to advertise for construction, and the estimated construction cost. This list will be updated annually.



### ADA 5 YEAR PLAN OF PROJECTS

**NOTE: The projects in this plan are shown in the anticipated delivery year, but may be adjusted based on identified right-of-way needs and environmental impacts.**

<b>2021 ADA Projects</b>			
District	Project Name	Project Scope	Est Cost
2	US 50, Fallon, fm. 0.01 ME of Allen Rd. to the EUL of Fallon at Rio Vista. MP CH 19.35 to CH 21.70	ADA ramp and sidewalk improvements.	\$700,000
3	SR 305 Lander County, Battle Mountain, Broad St. at the intersection of Broyles Ranch Rd., MP LA 87.19	ADA ramp and sidewalk improvements.	\$746,861
<b>2021 Subtotal:</b>			<b>\$1,446,861</b>
<b>2022 ADA Projects</b>			
District	Project Name	Project Scope	Est Cost
1	SR 147, Lake Mead Blvd., Las Vegas, fm. Losee Rd. to Civic Center Dr. and Pecos Rd. to Lamb Blvd.	ADA ramp and sidewalk improvements.	\$1,170,000

2	US 50, Carson City, South Side of US 50, between N. Lompa Ln. and Airport Rd., MP CC 12.69 to CC 12.79	ADA ramp and sidewalk improvements.	\$600,000
<b>2022 Subtotal:</b>			<b>\$1,770,000</b>
<b>2023 ADA Projects</b>			
District	Project Name	Project Scope	Est Cost
2	SR 667, Reno, Kietzke Ln., fm. 0.10 MS of Vassar St. to Mill St.	ADA ramp and sidewalk improvements.	\$480,000
1	US 93, CL Co., Boulder City, fm. Veterans Memorial Dr. to Canyon Rd.; MP CL 7.190 to CL 8.654	ADA ramp and sidewalk improvements.	\$1,300,000
3	US 95 Winnemucca, fm. 0.071 MW of Fountain Way to Dancing Bear Ln., SR 289 fm. jct. with US 95 to I 80 WB on ramp, SR 794 fm. jct. with SR 289 to Haskell St., SR 787 fm. jct. with US 95 to jct. with SR 294, SR 294 fm. Sunny Dr. to SR 787/Hanson St.	ADA ramp and sidewalk improvements.	\$765,000
1	US 95, Searchlight, MP CL 19.97 to CL 20.53	ADA ramp and sidewalk improvements.	\$250,000
3	US 95, McDermitt, fm. Jaca Rd. to EUL	ADA ramp and sidewalk improvements.	\$700,000
2	SR 359, MI Co., Hawthorne, 1st St. to 5th St. and US 95 fm. P St. to 10th St., MP MI 32.89 to MP MI 33.38 and MP MI 48.96 to MP MI 50.06 and maintained 10th St. and F St. to US 95.	ADA ramp and sidewalk improvements.	\$2,400,000
3	US 93A, W. Wendover, fm. I 80 to MP EL 53.2	ADA ramp and sidewalk improvements.	\$110,000
3	US 93, WP Co., McGill, fm. Ave. B to Ave. R	ADA ramp and sidewalk improvements.	\$1,630,000

1-3	ADA improvements state wide and complaint resolution	ADA ramp and sidewalk improvements.	\$1,900,000
3	US 50, Eureka, fm. 0.05 MN of Parker St. to 0.04 MN of Richmond St.	ADA ramp and sidewalk improvements.	\$1,025,000
1	SR 147, Lake Mead Blvd., Las Vegas, fm. Nellis Blvd. to the EUL.	ADA ramp and sidewalk improvements.	\$3,170,000
1	SR 160, Pahrump, fm. E. Acoma Ave. to Lockspur Ave.	ADA ramp and sidewalk improvements.	\$1,500,000

**2023 Subtotal: \$15,230,000**

## 2024 ADA Projects

District	Project Name	Project Scope	Est Cost
2	SR 667, Reno, Kietzke Ln., fm. S. Virginia St. to 0.10 MS of Vassar St. end limit at Mill St.	ADA ramp and sidewalk improvements.	\$4,000,000
2	SR 659 McCarran Blvd. S. Virginia St	ADA ramp and sidewalk improvements.	\$2,000,000
3	US 93, Wells, fm. 500 ft. S. of I 80 to SR 223	ADA ramp and sidewalk improvements.	\$820,000
2	US 50, LY Co., Dayton, MP LY 5 to MP LY 8	ADA ramp and sidewalk improvements.	\$1,300,000
2	SR 341, Virginia City ADA parking	ADA ramp and sidewalk improvements.	\$0
1	US 6/US 95, Tonopah, fm. ES/NY CL to 1000' N. of Cutting St. on US 95 MP NY 0.62 to MP NY 2.10; and fm. US 6/US 95 intersection to 1500' E. on US 6 MP NY 107.24 to NY 108.44	ADA ramp and sidewalk improvements.	\$1,500,000
2	SR 445, Pyramid Way, Sparks, fm. McCarran Blvd. to Sparks Blvd.	ADA ramp and sidewalk improvements.	\$380,000
2	SR 445, Pyramid Way, Sparks, fm. Nugget Ave. to York Way. MP WA	ADA ramp and sidewalk improvements.	\$1,830,000

	0.00 to WA 1.382		
2	SR 396, Pershing County, in Lovelock fm. Meadow Ln. Jct. to 14th St. Jct. MP PE 0.27 to PE 1.28; SR 398 fm I 80 to 17th St., PE 0.40 to PE 0.81; SR 854 fm. Jamestown Ave. to SR 398, PE 3.59 to PE 4.12; SR 397 fm. 4th St. To SR 398, PE 11.40 to PE 11.8	ADA ramp and sidewalk improvements.	\$555,000
3	SR 223, Wells, fm. 500 ft. S. of I 80 to 600 ft. E. of US 93	ADA ramp and sidewalk improvements.	\$485,000
1	SR 595, S. Rainbow Blvd., Las Vegas, fm. W. Tropicana Ave. to Westcliff Dr.	ADA ramp and sidewalk improvements.	\$1,350,000
<b>2024 Subtotal:</b>			<b>\$14,220,000</b>
<b>2025 ADA Projects</b>			
District	Project Name	Project Scope	Est Cost
3	FREL18, Elko, at I 80 ramps and Idaho St. intch. and FREL18 at Delaware Ave., El Dorado Dr., and Idaho St. Intersections	ADA ramp and sidewalk improvements.	\$200,000
<b>2025 Subtotal:</b>			<b>\$200,000</b>

## 6.10 SIDEWALK ESTIMATIONS

The following estimated data for total mileage of Nevada DOT sidewalks and missing sidewalks was collected based on pre-assessments of NDOT public rights-of-way using Google Earth aerial imagery. This information is intended for estimation purposes only and is currently being updated and reassessed on the field. Additionally, not all NDOT corridors have been identified for some of the cities, including, but not limited to, Boulder City, Las Vegas, and Reno/Sparks.

<b>NDOT Sidewalk Estimations</b>			
District	City	Total Sidewalk (mi)	Missing Sidewalk (mi)
1	Beatty	0.91	0.55
1	Boulder City	4.69	3.80
1	Caliente	3.93	0.00
1	Goldfield	0.33	0.20
1	Indian Springs	0.13	0.00
1	Las Vegas & (9 Cities)	42.56	0.97
1	Laughlin	0.00	0.00
1	Logandale	0.42	0.03
1	Mesquite	0.96	0.00
1	Mina	0.29	0.00
1	Overton	1.56	0.00
1	Pahrump	8.22	2.21
1	Panaca	1.64	0.00
1	Pioche	0.00	0.00
1	Primm	0.00	0.00
1	Searchlight	0.00	0.00
1	Tonopah	1.21	1.20
2	Carson City	16.87	4.14
2	Crystal Bay	0.30	0.00

2	Dayton	1.28	0.10
2	Elk Point	0.24	0.26
2	Fallon	5.35	0.52
2	Fernley	4.34	0.27
2	Genoa	0.12	0.00
2	Gerlach	0.00	0.30
2	Hawthorne	2.56	0.07
2	Incline Village	2.29	0.65
2	Lovelock	4.20	0.14
2	Minden & Gardnerville	8.97	1.33
2	Reno & Sparks & (4 Cities)	32.96	11.19
2	Silver Springs	0.50	0.00
2	Stateline	1.97	0.39
2	Yerington	3.02	0.81
3	Austin	1.46	0.05
3	Battle Mountain	2.68	1.62
3	Carlin	1.07	0.93
3	Duckwater	0.00	0.04
3	Elko	5.98	2.07
3	Ely	4.59	1.60
3	Eureka	0.92	0.35
3	Jackpot	1.22	0.00
3	McDermitt	0.73	0.00
3	McGill	0.48	0.75
3	Spring Creek	0.12	0.00
3	Wells	2.84	0.99
3	Wendover-west	3.13	0.31
3	Winnemucca	7.23	1.40
<b>Nevada Totals</b>		<b>184.27</b>	<b>39.24</b>



