

*Quality Life through Good Roads “We Care”*



Road Commission for Oakland County  
ADA Transition Plan for Public Rights-of-Way  
June 2015

## ***INTRODUCTION***

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990 to provide comprehensive civil rights protection to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity.

Both the Rehabilitation Act, Section 504 (1973) and the ADA, Title II, (1990) previously required state and local governments receiving federal funds to do a self-evaluation of their facilities and identify barriers, which prevent individuals with disabilities from accessing public areas.

## ***TRANSITION PLAN DEVELOPMENT***

To ensure program accessibility for people with disabilities in the community, the Road Commission for Oakland County (RCOC) has developed a Transition Plan, which is to be considered good practice. This Transition Plan for Public Right-of-Way considers the following:

### ***A. ADA COORDINATOR***

Effective communication is essential to address all the complaints or concerns of all individuals. In order to keep maintaining the lines of communication open, and thereby ensuring effective communication between all parties, the RCOC has designated the Permits Engineer as the ADA coordinator. The ADA coordinator shall coordinate the RCOC's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the ADA coordinator. Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any actions that would be prohibited under the ADA. The RCOC shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints. Every complaint must be directed to the Permits Engineer.

### ***B. GRIEVANCE PROCEDURE***

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination related to the public Right-of-Way.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date,

and description of the problem. Alternative means of filing complaints, such as personal interviews, will be made available for persons with disabilities upon request.

Questions, correspondence, requests or grievances should be addressed to the Department of Customer Services. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Road Commission for Oakland County  
ADA Coordinator  
Scott Sintkowski, PE  
Permits Engineer  
2420 Pontiac Lake Road  
Waterford, MI 48328  
[DCSmail@rcoc.org](mailto:DCSmail@rcoc.org)  
[www.rcocweb.org](http://www.rcocweb.org)

Within 15 calendar days after receipt of the complaint, the Permits Engineer or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Permits Engineer or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the RCOC and offer options for resolution of the complaint.

If the response by the Permits Engineer or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Highway Engineer or his/her designee.

Within 15 calendar days after receipt of the appeal, the County Highway Engineer or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. With 15 calendar days after the meeting, the County Highway Engineer or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Permits Engineer or his/her designee, appeals to the County Highway Engineer or his/her designee, and responses from these two offices will be retained by the RCOC for at least three years.

The Grievance Form can be found in Appendix A.

### **C. SELF EVALUATION/COMMITMENT**

Although the RCOC does not own, operate or maintain sidewalks and sidewalk ramps, sidewalk ramps are upgraded in conjunction with alteration of the roadway according to the Michigan Department of Transportation (MDOT) Standard Plan for “Sidewalk Ramp and Detectable Warning Details” as required by the Federal Highway Administration (FHWA). The MDOT standard is primarily based on the U.S. Access Board’s Public Rights of Way Accessibility Guidelines (PROWAG).

The great majority of sidewalks and non-motorized facilities, within public road right-of-way in Oakland County, were constructed by local governments or, by private developers as a condition of approval of site plans or other building permits. Annual permits are issued to cities and township governments, which provide for the ongoing maintenance and repair of public facilities with the road right-of-way. RCOC does not own or maintain sidewalks, pathways or non-motorized facilities.

Curb cuts and sidewalk ramps have been a major element of the design of these facilities. The RCOC adopted design guides calling for curb cuts and ramp at all intersections with curbs in 1985. ADA ramps and facilities constructed or reconstructed by RCOC in conjunction with a road improvement project will meet ADA standards at the time of installation. However, those facilities will remain under the jurisdiction of the local community. Projects constructed by others, under permit, have also included curb cuts and ramps at locations with pedestrian access. These remain under the jurisdiction of the local community.

Maintenance projects undertaken by the RCOC, which require the removal of sidewalk or curb, include replacement with curb cuts and ramps. Owners of projects undertaken under permit are required to replace existing curbs and sidewalks with curb cuts and ramps.

The RCOC is committed to ensuring that all sidewalk and curb ramp constructed within RCOC jurisdiction are accessible to all pedestrians, including those with disabilities. It is the goal to ensure citizens can travel safely throughout the County by constructing facilities that are reasonably ADA compliant.

The following is a general description for updating or correcting non-compliance at sidewalk or non-motorized path crossings of traffic controlled intersections under RCOC jurisdiction.

1. Sidewalks or non-motorized paths exist, but curb cuts and ramps do not exist.
2. Sidewalks or non-motorized paths exist, but curb cuts and ramps do not meet ADA requirements for landings or cross slope.
3. Sidewalks or non-motorized paths exist, curb cuts and ramps exist, but pedestrian actuated signals are not in compliance as to location or height of push button.

4. Elimination of non-compliant elements of an existing pedestrian facility that provides access to a public facility or place of employment.

The compliance plan to the sidewalk or non-motorized path system in Oakland County is:

1. **Capital Improvement projects undertaken by the RCOC.** These projects include CPM projects of  $\frac{3}{4}$  inch or current standard projects, RRR projects, capacity improvement projects, new installations or modernizations of traffic signal projects, and safety projects. Projects of these types will include upgrading or improving existing sidewalks or non-motorized paths within the projects limits, to ADA compliance where required.
2. **Maintenance projects** including resurfacings that physically disturb an existing sidewalk or non-motorized path will include upgrading of the disturbed facility to current ADA requirements. In the event that a curb cut and ramp is provided, where one does not exist, then a receiving curb cut and ramp will be provided.
3. **All permitted work by others within the RCOC Right-of-Way will be put back to current ADA requirements.**

Where situations arise that ADA compliance is difficult to achieve, then the MDOT Infeasibility Form 0370(05/11) must be filled out.

#### ***D. ADA STANDARDS/GUIDELINES***

The standards are intended to apply to all construction undertaken within RCOC Right-of-Way. The MDOT design guidelines and standard drawings will serve as the primary standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of RCOC.

#### ***IMPLEMENTATION***

This document formalizes and updates previous discussions and documents related to ADA transition plans. The RCOC intends to implement this Transition Plan effective the date of this document. Not only does the RCOC commit to following the guidelines set forth in this Transition Plan, but it also commits to actively revising and amending this document as new information is discovered.

**Appendix A – Grievance Form**

**Title II of the Americans with Disabilities Act  
Section 504 of the Rehabilitation Act of 1973  
Complaint Form**

Instructions: Please complete this form. Sign and return to the address below.

**Person filling out this form**

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle \_\_\_\_\_

Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Telephone Number (Home/Cell/Work) \_\_\_\_\_

Email address \_\_\_\_\_

**Person Discriminated Against** \_\_\_\_\_

**Discriminatory Incident**

Government, organization, institution which you believe has discriminated

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

When did the discrimination occur? Date \_\_\_\_\_

Describe the acts of discrimination (use additional sheet of paper if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

Yes \_\_\_\_\_ No \_\_\_\_\_

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State , or local civil rights agency or court?

Yes \_\_\_\_\_ No \_\_\_\_\_

Agency or Court \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Return to:**

Road Commission for Oakland County  
ADA Coordinator  
Scott Sintkowski, PE  
Permits Engineer  
2420 Pontiac Lake Road  
Waterford, MI 48328  
[www.rcocweb.org](http://www.rcocweb.org)