



COMMONWEALTH OF
PUERTO RICO
Puerto Rico Highway and
Transportation Authority

AMERICANS WITH DISABILITIES ACT (ADA)
TRANSITION PLAN
August 2014



Puerto Rico Highway and Transportation Authority

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MISSION

Development of a sustainable transportation system.

VISION

We visualize the development of a transportation system free of congestion, an integral part of a land use and mobility system, promoting accessibility and reducing the need of automobile transportation; promoting economic development for all social and regional sectors, and preserving our patrimony for the enjoyment of all generations.

AN EQUAL OPPORTUNITY EMPLOYER

1.0 INTRODUCTION AND LEGAL BACKGROUND

1.1 FEDERAL LAWS AND REGULATIONS

Since the approval of Law 101-336 (Americans with Disabilities Act – ADA) in 1990, the way public and private entities address services to people with disabilities has suffered major changes. Although Section 504 of the Rehabilitation Act (29 USC 794) prohibited¹ excluding persons with disabilities from participating in programs or activities receiving Federal assistance, it is under ADA that a new emphasis was given to assuring that people with disabilities have access to the same benefits and services than the rest of the population, particularly in the provision of services by public entities².

Under both laws, a vast regulation system was implemented by the different Federal agencies. Of particular interest for PRHTA are those assigned to the Department of Justice under 28 CFR 35, whose purpose is to effectuate subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131), which prohibits discrimination on the basis of disability by public entities. Amongst its provisions, it requires public entities to examine the condition of existing facilities (§35.150) to determine whether they are accessible to individuals with disabilities and determine the steps that are needed to correct deficiencies where possible or offer alternatives.

¹No otherwise qualified individual with a disability in the United States, as defined in section [705\(20\)](#) of this title, 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 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.

²Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. (Sec. 202)

It specifically provides for the development of transition plans which will identify deficiencies, offer opportunity for the public to give input, designate the officials responsible for the implementation and provide a schedule for said implementation.

The Department of Justice adopted the 2010 ADA Standards for Accessible Design (2010 Standards) as the regulatory standards for the new construction and alteration of facilities subject to its regulations under the Americans with Disabilities Act (ADA), effective March 15, 2012. 28 CFR 35.151(c)(3), as amended at 75 FR 56163, September 15, 2010; and 28 CFR 36.406(a)(3), as amended at 75 FR 56236, September 15, 2010. For state and local governments, the 2010 Standards consist of the regulations at 28 CFR 35.151 and the versions of Appendices B and D to this part published in the 2009 edition of the Code of Federal Regulations. 28 CFR 35.104. For public accommodations and commercial facilities, the 2010 Standards consist of the regulations at 28 CFR part 36, subpart D and the versions of Appendices B and D to this part published in the 2009 edition of the Code of Federal Regulations 28 CFR 36.104. Projects with construction start date on or after March, 2012 must contain these standards.

Since PRHTA is recipient of Federal funds administered by the U.S. Department of Transportation, through both the Federal Highway Administration (FHWA) on its highway construction projects and the Federal Transit Administration (FTA) for its transit facilities, regulations on 49 CFR 27 also apply, particularly §27.7a³.

³(a) General. No qualified person with a disability shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance administered by the Department of Transportation.



1.2 PRHTA BACKGROUND

As authorized by Plan Number 6 for the reorganization for the Commonwealth of Puerto Rico Executive Branch, effective January 2, 1973, the Department of Public Works was reorganized and re-designated as the Department of Transportation and Public Works (DTOP by its Spanish acronym). This Department is the central government agency in charge of the transportation programs of the Commonwealth of Puerto Rico. Through this Reorganization Plan, the Highway Authority and the Ports Authority (later separated by subsequent legislation) and the Metropolitan Bus Authority (MBA) were ascribed to the DTOP. The authorities ascribed to the DTOP work as public corporations with fiscal autonomy over business affairs over which they are responsible. However, these authorities suffered modifications during present year 2014. Under Law no. 41 of March 21, 2014, a Board was created, presided by the Secretary of Transportation and Public Works, which is now the governing body for PRHTA. On August 3rd, Law No. 123 was approved, creating the new Integrated Transportation Authority (ATI by its Spanish acronym). This new Authority will operate under a governing Board, also presided by the DTOP's Secretary. ATI will now combine MBA's operation, which will no longer exist as an independent Authority, with the Maritime Transportation Authority (ATM by its Spanish acronym). The operation of the Tren Urbano (Urban Train), at present run by a private company (ACI) under contract with PRHTA is also transferred to this new Authority.

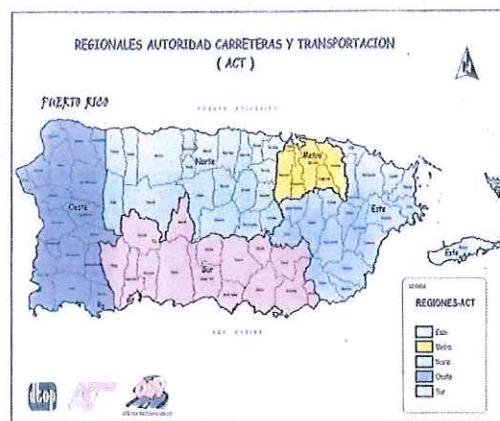
As of the date of this Transition Plan (August 2014), the operation remains under PRHTA, since the transfers are still in process.

The legal situation of the Department of Transportation and Public Works and the Highway and Transportation Authority can be summarized in simple terms as a relationship with very close ties between the Department and its ascribed corporation, the Highway and Transportation Authority, where one designs the transportation system public policy, mainly concentrating in state roads and the licensing of drivers and vehicles. On the other hand, PRHTA is the branch executing projects under contract with the Department in the case of state roads or by itself in the case of expressways and the establishment of the Tren Urbano. Being a public corporation, it possesses fiscal autonomy and its processes can be somewhat more agile than those of the DTOP. Its operation is highly complex as it entails a great amount of elements that give direct services to the public. Both Agencies have their main offices located in Roberto Sánchez Vilella Government Center, South Building, and operate through Regional Offices distributed throughout the Island, thus serving the 78 municipalities.

The organization is, besides from the main administrative operation in Minillas, as follows:

CONSTRUCTION AREA WITH REGIONAL OFFICES:

- San Juan (Metropolitan Regional Office)
- Manatí (North Regional Office)
- Humacao (East Regional Office)
- Ponce (South Regional Office)
- Mayagüez (West Regional Office)



TRANSIT AND EXPRESSWAY DIRECTORATE WITH TOLL GATES IN:

- Buchanan*
- Bayamón*
- Toa Baja*
- Manatí*
- Vega Alta*
- Arecibo*
- Hatillo*
- Caguas Norte
- Carolina
- Carolina Norte
- Carolina Sur
- Montehiedra
- Caguas Sur
- Juana Díaz
- Salinas
- Ponce
- Ceiba
- Humacao Norte
- Humacao Sur
- Guaynabo
- Guayama
- Húcar

* Privately managed by Metropistas.

Additionally, there is an engineering division, for the conservation and maintenance of the different sections of the expressway.



TREN URBANO (URBAN TRAIN) – The Tren Urbano operation is perhaps the most complex one, run by private operator ACI under contract with PRHTA, serving the municipalities of San Juan, Guaynabo and Bayamón, as it offers services through its 16 stations:

- Bayamón
- Deportivo (Bayamón)
- Jardines
- Torrimar
- Martínez Nadal
- Las Lomas
- San Francisco
- Centro Médico
- Cupey
- Rio Piedras
- Universidad
- Piñero
- Domenech
- Roosevelt
- Hato Rey
- Sagrado Corazón

This operation, together with the Toll Gates, impacts public the most. Regarding Tren Urbano, we have to emphasize the different methods used to identify the stops and stations. Each station has a different design, which makes it easy to distinguish one from the other. Furthermore, there are visual and audible systems to make people aware of stops, before and on arrival. Previous to its inauguration, the Handicapped Procurement Office (OPPI by its Spanish acronym) inspected all stations, finding that they substantially complied with the needs of the handicapped persons. During 2011, an inspection was done by FTA, finding the facilities substantially accessible to handicapped patrons.

METROBUS - This operation consists of three routes which run under contract with a private operator, First Transit. The three routes serve a specific area in San Juan. The MBI route serves from Rio Piedras, Capetillo bus terminal to Sagrado Corazón train station, with 17 stops. MBIII route serves from Sagrado Corazón train station to Covadonga intermodal terminal in Old San Juan, with 17 stops. MBE route serves from Sagrado Corazón train station to Covadonga intermodal terminal in Old San Juan, with 20 stops.

To complicate matters further, there's a jurisdiction issue involving the construction process in PRHTA. When it builds expressways or Toll roads under its control, all its environs are under its jurisdiction. However, sidewalks are the jurisdiction of the municipalities. Once the project is finalized, the sidewalks are turned over to the municipality. If PRHTA builds under contract with DTOP, then once the whole project is finished, its jurisdiction is transferred to said Agency.

PRHTA recognizes that there's a big problem with sidewalks that at some point it may have built, or as in most cases, has no connection with, but may surround some of its buildings, as is the case with those surrounding its Central Offices in Santurce.

This Transition Plan is applicable to the Puerto Rico Highway and Transportation Authority.

2.0 ADA COORDINATOR AND COMPLAINTS PROCEDURE

PRHTA had an ADA Coordinator within the Civil Rights Office. The position has been vacant since 2011, although the Office's Director is responsible for ADA matters. The Office of Civil Rights is in charge of providing workshops for employees on discrimination issues, including disabilities, as well as insuring that the public policy on discrimination is complied with (see Policy – Attachment I). PRHTA has a Discrimination Complaints Regulation that covers, among others, discrimination based on disabilities. It is managed by the Civil Rights Office. See Complaint form – Attachment II.

3.0 IMPLEMENTATION OF THE TRANSITION PLAN

3.1 ESTABLISHMENT OF A COMMITTEE

On February 28, 2014, the Executive Director of PRHTA began steps to implement an ADA Transition Plan for the Agency, which had been in the making for some time, but without a coordinated effort. Due to the fact that the Agency has had a reduction on personnel, which has directly impacted almost every office in the Agency (and the Civil Rights Office is no exception), the Executive Director and the Secretary of DTOP welcomed the idea of establishing a Committee composed of members who are representative of the different areas that impact the population with disabilities. To that effect, he designated the following members of the ADA Transition Plan Committee, presided by the Civil Rights Office's Director, **Ana A. Olivencia, Esq.:**

- Design: **Maritza Guzmán Rivera, Bachelor in Engineering (Initially Ray Morales, P.E.)**
- Planning: **Plan. Martha Bravo Colunga**
- Tren Urbano: **Marco A. Quiñones (Originally Arch. Teresa Sifre)**
- Transit management: **Rafael López Abril, P.E.**
- Construction: **Janet Rendón, Engineer in training**
- Communications Office: **Irma Moyeno, Director**

The Committee has been meeting twice a month and began to design a strategy to establish the Plan. There have been changes in the composition of members in the Committee, but the offices included are considered vital in the implementation of the Plan. During the meetings, which began in March, an evaluation was made of the current situation and an action plan was devised in order to begin implementing the Plan.

3.2 A REGISTER OF THE OPPORTUNITIES TO HAVE COMMUNITY INPUT

One of the first tasks of the Committee was to devise methods to obtain information from the community. At present, the Authority has some information on its web page, offering guidance on ADAAG and urging citizens to contact the Civil Rights Office in case of possible discrimination based on disability, but no targeted effort was made to obtain specific information on barriers. Thus, the Committee decided to publish a notice on newspapers and other media (Attachment III) with reference to the questionnaires available on the web page (Attachment III A) for PRHTA buildings and Tren Urbano (see Attachments IV A and IV B), so the public could comment on the need to improve accessibility). Once the Committee receives the questionnaires, it will evaluate the results and proceed to analyze the establishment of priorities.

3.3 CURB RAMP AND OTHER TRAFFIC MANAGEMENT ANALYSIS

On 2011, PRHTA approved a Special Provision on Traffic Signal Systems including ADA considerations (Attachment V) and on 2012, Standard drawings for curb ramps (Attachments VI A-G), which must be followed on each of the Agency's projects. As part of the Committee's recommendations, projects that have been built from 2012 to date will be evaluated to assure that ADA elements were built or are in the process of being built according to said provisions and/or drawings.

3.4 LIST OF BARRIERS ON AGENCY'S FACILITIES THAT LIMIT ACCESS TO PEOPLE WITH DISABILITIES

The Office of Civil Rights had a limited program whereby facilities were evaluated⁴. Lack of personnel has seriously impaired this Program. Furthermore, since there was no formal Plan, response to the correction of facilities is delayed. A file is kept of all the inspection visits, including dates, recommendations and status. The evaluation of the facilities did not include project inspection.

After the creation of the Committee it was evident that the process wasn't producing much progress. A list was made of all projects from 2012 to date that contain ADA sensitive elements (Attachment VII)and adequate evaluation checklists devised – one for regular buildings (Attachment VIII), one for Tren Urbano (Attachment IX), and another for the construction projects (Attachment X). With these checklists, an inspection plan will be devised. Initially, a pilot plan will be implemented with the selection of one building, one construction project and one train station, to determine if the checklists need modification. The Committee has considered recruiting help from universities to aid with the inspections. Also, the Construction Area will coordinate the designation of two representatives from each Regional Office to perform the inspections. As part of the Plan, instruments have been purchased or are in the process of devising, in order to measure compliance with 2010 ADA Standards.

3.5 DESCRIPTION OF METHODS TO ELIMINATE THOSE BARRIERS

To be defined once the inspections begin.

⁴Agency's buildings, with 5 Regional Offices, Toll Road stations, Tren Urbano's 16 stations, as well as those of DTOP, with 7 Regional offices and 15 Drivers' centers (CESCOs)

3.6 THE DESIGNATION OF AVAILABLE PERSONNEL THAT DEVELOPS AND IMPLEMENTS THE PLAN

The personnel designated as part of the Committee will be in charge of the development, implementation and monitoring of the Plan. After the initial effort to devise this Plan, the Committee will continue to meet at least once a month.

3.7 MONITORING

Since the Plan is in its initial stages and the barriers have yet to be totally identified, the monitoring process is yet to be defined. The Construction Area is in the process of designating personnel from each Regional Office to evaluate curb ramps, building deficiencies and traffic control devices in their Area; Tren Urbano's operator will identify the person responsible for their Area, etc., with a general supervision from the Civil Rights Office in terms of reports.

3.8 ESTABLISHMENT OF PRIORITIES

Even though the Plan is in its initial stages, priorities should be established, primarily according to:

- Complaints or requests received from citizens – pending on receiving public's input
- Magnitude of the barrier (whether it poses a safety issue or is merely inconvenient)
- Level of pedestrian use
- Population
- Number of handicapped people affected
- Cost
- Possibility of integrating changes with projects to be developed in the same area

It is important to point out that at this point PRHTA is facing a difficult financial situation. At this moment, new projects are dependent on Federal funds assigned. Many of the facilities (Regional Offices, Minillas building) are rented and thus correction of barriers depends on owner's action. As an example, the wheelchair lift that serves the Minillas building, owned by the Public Buildings Authority, has had mechanical problems on numerous occasions and

repairs are delayed due to the cumbersome process to request such. The same goes with any repairs to doors, bath fixtures, etc.

3.9 BUDGET

Since the Plan is in its initial stages, a budget has not been established. However, due to the fact that PRHTA facilities and projects are distributed throughout the Island, budgets can be established by area or project. In certain instances, the corrections will not imply any disbursement (i.e. rented facilities).

3.10 TIMETABLE

September, 2014

- Begin Spanish Translation of Plan
- Insert copy of this Plan on the Agency's webpage
- Receive all designations from Construction Area and Tren Urbano of people who will perform inspections

October, 2014

- End the process of receiving public's questionnaires
- Begin trainings for personnel that will perform inspections
- Place a Spanish version of the Plan on the webpage
- Begin analysis of the public's input
- Correct any deficiencies that are easily solved or represent little or no disbursement

November 2014 – February 2015

- Perform inspections on one building, one project and one train station, and evaluate effectiveness of checklists
- Correct any deficiencies that are easily solved or represent little or no disbursement

March 2015 – March 2016

- Begin evaluation of all PRHTA buildings and those construction projects that have ADA elements that were built after 2012
- Correct any deficiencies that are easily solved or represent little or no disbursement

June 2015

- Begin evaluating deficiencies identified either through public's input or inspection that weren't corrected previously, to determine corrective measures

August 2015

- Establish a schedule to correct deficiencies, after identifying available resources

*****The Committee will continue to meet at least once a month, to review progress and make necessary adjustments to this Plan's schedule.***

3.11 PERIODIC REVIEW

This Plan will be reviewed at least once a year.

For additional information about this Transition Plan, contact:

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