

The Americans with Disabilities Act of 1990  
(Title II):

*“No qualified individual with a disability shall, on the basis of a 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.” (28 CFR Part 35)*



Section 504 of the Rehabilitation Act of 1973:

*“No qualified handicapped person 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.”  
(49 CFR Part 27)*

In compliance with the Americans with Disabilities Act, the Oklahoma Department of Transportation will provide reasonable accommodations for persons with disabilities, upon request. To request an accommodation, please call the office of the ADA/504/508 Coordinator or Oklahoma Relay at 1-800-722-0353, no later than 72 hours before any scheduled event.

No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act.

No private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the Act.



ADA/504/508 Coordinator  
Civil Rights Division  
200 N.E. 21st Street,  
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The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, religion, sex, age, national origin, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors.



**OKLAHOMA DEPARTMENT  
OF  
TRANSPORTATION**

**Obligations under the  
Americans with  
Disabilities Act of 1990 (Title II)  
and Section  
504 of the Rehabilitation  
Act of 1973**

## What is ADA (Title II) and Section 504?

Title II (28 CFR Part 35) is part of the Americans with Disabilities Act of 1990 (Public Law 101-336), this law prohibits discrimination on the basis of disability in State and local government services regardless of whether the public entity received Federal financial assistance.

Section 504 (49 CFR Part 27) is a component of the Rehabilitation Act of 1973 (Public Law 93-112) which prohibits discrimination on the basis of disability in programs, activities and services that receive Federal financial assistance.

### Who must comply with Title II and Section 504?

Under Title II ADA, all public entities must comply with this regulation. This includes any State or local government, as well as any department, agency, special purpose district, or other instrumentality of a State or local government.

Under Section 504, any recipient of federal financial assistance must comply with this regulation.

### What is a recipient?

A recipient is defined as any State, territory, possession, political subdivision, instrumentality, public or private agency, organization, entity or individual to whom federal financial assistance is extended either directly or through another recipient.

This includes any successor, assignee, or transferee, but not the ultimate beneficiary of a program or activity. This includes not only primary recipients, but also sub-recipients who receive Federal financial assistance from the primary recipient.

### What steps do recipients and public entities need to make to be in compliance with the ADA (Title II) and Section 504?

- Notify public of obligations under ADA and Section 504.
- Designate an ADA/504 Coordinator.
- Develop and implement policies/procedures for ADA and Section 504.
- Evaluate current services, policies and practices for accessibility.
- Develop and implement a transition plan . *(For recipients and public entities with responsibilities over roads, highways and pedestrian facilities, the transition plan must include a curb ramp installation schedule)*
- Provide a written assurances that the program or activity will conduct or the facility operated in compliance with all of the requirements.
- Conduct programs, services and activities in accessible facilities or provide alternative means of accessibility.
- New and altered buildings and facilities must be made accessible in accordance with accessibility guidelines.
- Provide effective communications through the use of auxiliary aids (sign language interpreters, large print or Braille text) to

ensure that individuals with hearing, visual, sensory or cognitive impairments have access to programs, services and activities.

### What accessibility standard must be used to determine accessibility?

Title II ADA provides public entities, who do not receive federal financial assistance, the choice of using the Americans with Disabilities Act Accessibility Guidelines (ADAAG) or the Uniform Federal Accessibility Standards (UFAS) when making facilities accessible.

Section 504 requires recipients to follow the ADAAG when constructing new facilities and altering existing facilities.

The Access Board has published a revised version of the draft accessibility guidelines for public rights-of-way (PROWAG). PROWAG is currently recommended as best practices, and can be considered the state of the practice that could be followed for areas not fully addressed by the present ADAAG standards because the FHWA has determined that they are consistent with the ADA's requirement that all new facilities (and altered facilities to the maximum extent feasible) be designed and constructed to be accessible to and useable by people with disabilities.

