

# MARYLAND DEPARTMENT OF TRANSPORTATION POLICY

DOT: 140.1

Date: December 23, 1996

## TITLE: ACCESS UNDER THE AMERICANS WITH DISABILITIES ACT (ADA) (1990)

### I. References:

- A. DOT Policy - none
- B. Americans with Disabilities Act (1990)
- C. Section 504 of the Rehabilitation Act of 1973
- D. TSHRS Policy: Reasonable Accommodation for Individuals with Disabilities (ADA)
- E. Article 49B, Annotated Code of Maryland.

### II. Purpose and Applicability:

- A. The purpose of this policy is to ensure that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or denied benefits of employment, services, programs, or activities of the Maryland Department of Transportation (MDOT), or be subject to discrimination by MDOT.
- B. This policy is applicable to all elements of the Department of Transportation as defined in Policy DOT 001.1.

### III. Definitions:

- A. "Accessibility" has the following meanings:
  - 1. "Physical accessibility" means that a facility is usable by a person with mobility impairment.
  - 2. "Accessibility for persons with hearing impairments" means that any necessary auxiliary aids or services, such as sign language interpreters, will be provided upon request.

3. "Accessibility for persons with vision impairments" means that readers, Braille, large print, and/or audio cassettes will be provided.

**B. "Individual with a disability" means an individual who:**

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

**C. "Physical or mental impairment" means:**

1. A physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary; hemic and lymphatic; skin; and endocrine; or
2. A mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**D. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.**

**E. "Is regarded as having an impairment" means:**

1. Has a physical or mental impairment that does not substantially limit major life activities, but that is treated as constituting such a limitation;
2. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such an impairment; or
3. Has none of the impairments defined in ¶C of this section, but is treated as having such an impairment.

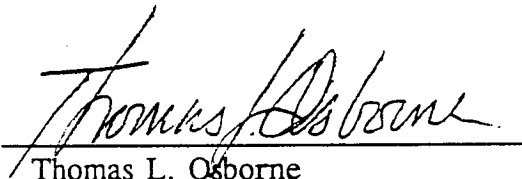
**F. "Major life activities" mean functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.**

- G. "Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.
- H. "Programs and services" means the normal services requiring public accessibility provided by the Department, as well as public hearings or meetings, conferences, seminars, and similar types of activities.

IV. **Policy Statement:** It is the policy of the Department of Transportation that all programs, services, and employment opportunities provided, offered, or sponsored by the Department shall be accessible to all qualified persons with disabilities.

- A. The Department shall provide all services and conduct all programs in such a manner as to be accessible to persons with disabilities.
- B. The Department shall not deny the opportunity for persons with disabilities to avail themselves of its services or to participate in its programs due to lack of accessibility.

APPROVED: \_\_\_\_\_

  
Thomas L. Osborne  
Deputy Secretary

DATE: \_\_\_\_\_

12/23/96