

10 Misconceptions of ADA

Presented to:

Alabama Transportation Planners
Association

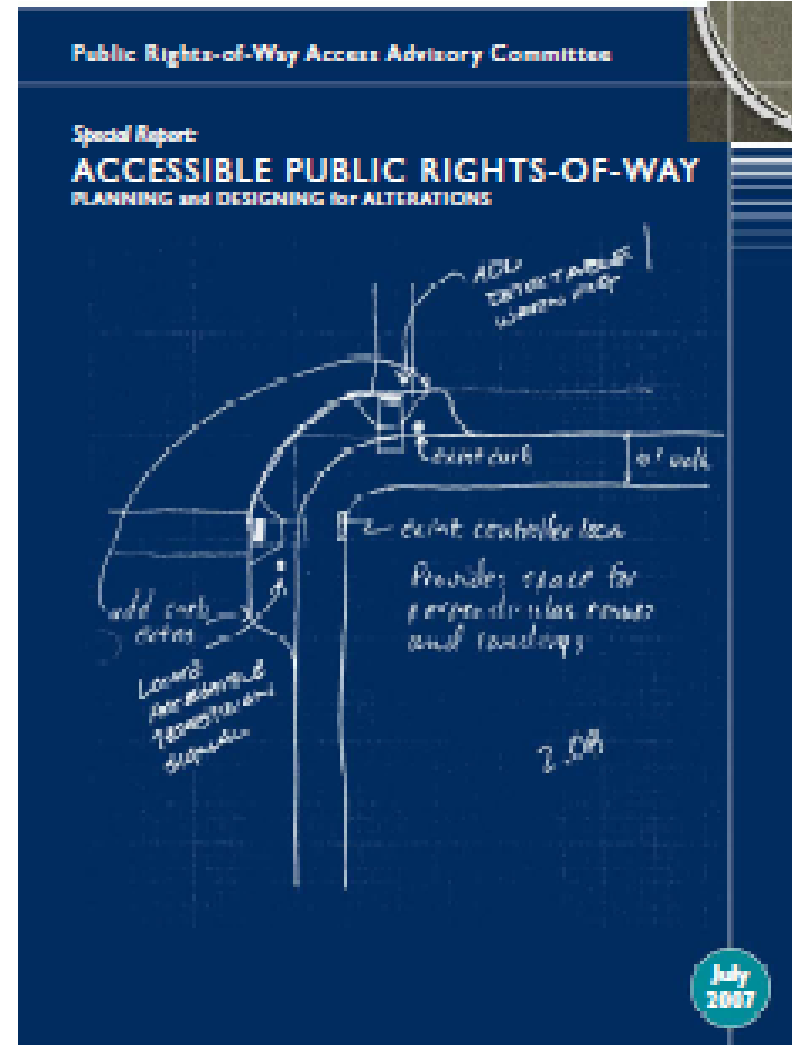
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Source

- Special Report:
Accessible Public
Rights-of-Way, Planning
Design and Alterations
- July, 2007
- Prepared by the Public
Rights-of-Way Access
Advisory Committee
(PROWAAC)



Accessible Public Rights-of-Way

- Available for free in PDF at

<https://www.access-board.gov/files/prowag/planning-and-design-for-alterations.pdf>

Definitions and Acronyms

- ADA – Americans with Disabilities Act
 - 1990 Civil Rights Statute prohibiting the discrimination against people with disabilities. Sometimes referred to as “Title II”
- ADAAG – ADA Accessibility Guidelines
 - Sometimes referred to as DOJ Section 504 Standards
- DOJ – United States Department of Justice

Definitions and Acronyms

- PROWAG – Public Right-of-Way Accessibility Guidelines
 - Rulemaking process began in 1999
 - Notice of Availability in 2002
 - Second Draft 2005
 - Proposed Guidelines issued for public comment in 2011
 - Notice of proposed rulemaking in 2013
- PROWAAC – Public Rights-of-Way Access Advisory Committee

Alterations

- Discretionary change to an existing facility within an already-developed right-of-way
- Work that affects the usability of the facility
- Altered parts must be readily accessible to and usable by individuals with disabilities
- “to the maximum extent feasible”

Examples of Alterations

- Remodeling
- Renovation
- Rehabilitation
- Reconstruction
- Restoration
- Rearrangement
- Not normal maintenance

“To the maximum extent feasible”

- Unless the nature of a facility makes it virtually impossible to comply fully
- Must still provide the maximum physical accessibility feasible
 - For example, if you cannot design to accommodate a wheelchair, you must still design to accommodate the visually impaired
- Cost and/or budget is not a viable limiting factor in determining “maximum extent feasible”

Alterations in Transportation – 4 R's

- Reconstruction
- Rehabilitation
- Restoration
- Resurfacing

Transition Plan

- 28 CFR 35.150(a)(3) mandates that all governmental agencies have a transition plan to bring all their public sidewalks, walkways and crosswalks into compliance with Section 504 (ADAAG)
- 28 CFR 35.150(d)(2) requires a schedule for transition plans

Limiting Factors for Alterations in Transportation

- Underground vaults
- Utility services
- Drainage features (inlets)
- Mature trees
- Railroad overpasses
- Preexisting commercial use of an existing sidewalk
- Once again, cost and/or budget is not a limiting factor
- Small changes in project scope must be made if needed to provide accessibility



World Famous Wings

WINGS BURGERS OYSTERS

WINGS BURGERS OYSTERS

The Gadsden Times

CATCH SCORES!!!
The Winner Favours The Way
Sports & News Clippings

LAND ROVER

Project Scope

- Describes the purpose of the project
- Describes the justification for the project
- Describes the physical limits of the work
- Describes the time limits of the work
- Scope of work for a project should be coordinated with the Transition Plan

10 Misconceptions of ADA

Case Studies

Case Study #1

- A roadway is going to be resurfaced. It has a sidewalk where there are some locations with curb ramps that don't meet ADAAG requirements and some areas with no curb ramps at all.
- Question – do curb ramps have to be reconstructed/constructed as part of the resurfacing project?



Case Study #1

- Answer - Yes
- Rationale – Resurfacing is an alteration and accessible features must be installed to extent that it is possible to do so.

Case Study #2

- Curb ramps are being installed at an intersection. In one quadrant there are utilities and drainage inlets that prohibit the construction of ramps.
- Question: Do the utilities and drainage inlets have to be relocated if pedestrian signals and pushbuttons are installed on this corner?



N. 1st ST

MH

1 1/2" NPT
100 PSI
1 1/2" NPT
1 1/2" NPT
1 1/2" NPT
1 1/2" NPT

Case Study #2

- Answer – No.
- Rationale – Utilities and drainage features are an acceptable limiting factor.
- However – if the lid of a utility vault can be modified to accommodate the curb ramps, then this would be required.

Case Study #3

- An intersection has a standard arrangement of crosswalks, pedestrian signals, and pushbuttons on all four corners. Work is being performed by a developer on two corners of the intersection. Said work will bring these two corners into compliance with ADAAG.
- Question – Do the other two corners also have to be upgraded?



1770 ST

1770 ST

DON'T WALK

Carnegie House
WILMINGTON

Case Study #3

- Answer – No
- Rationale – this is outside the project scope
- However – it might make good sense to go ahead and do the work now since the work must be somewhere in the transition plan

Case Study #4

- A section of sidewalk is being built to fill in a gap between two existing sidewalk segments leading to a school.
- Question – Do the existing segments of sidewalk also have to be reconstructed to meet ADAAG standards?

FOREST HILL ELEMENTARY
ESTABLISHED 1949

SCHOOL HOURS	8:15-3:15
BREAKFAST	7:30-8:00
TARDY BELL	8:20



Case Study #4

- Answer – Yes
- Rationale – this improvement is part of a circulation system intended to provide access to a destination

Case Study #5

- Sidewalks are being added along a roadway where there are driveways with cross slopes exceeding 2%.
- Question 1 – must the driveways be reconstructed so that the sidewalk cross slope is 2% or less ?
- Question 2 – can the sidewalk be terminated on each side the driveway ?



Case Study #5

- Answer 1 – Yes. The driveways must be reconstructed.
- Answer 2 – No. The sidewalk cannot be terminated on either side of the driveway.

Case Study #6

- A city is resurfacing an existing sidewalk which does not currently have a 4 foot clear pedestrian access route. There is insufficient right-of-way to provide a 4 foot pedestrian access route.
- Question – does the city have to acquire additional right-of-way to provide a 4 foot pedestrian access route?



1770 ST

1770 ST

DON'T WALK

Carnegie House
Museum
1770 St
Pittsburgh, PA

Case Study #6

- Answer – No
- Rationale – lack of existing right-of-way is an acceptable limiting factor.
- However – curb ramps must still be installed

Case Study #7

- Curb ramps are being installed at a signalized intersection as part of a roadway resurfacing project. The signal has pedestrian heads and pushbuttons. But the pushbuttons are not in accessible locations.
- Question – Do the pushbuttons have to be relocated as a part of the project?



NO PARKING
IN FRONT
OF THIS BUILDING
EXCEPT
FOR DELIVERIES

Case Study #7

- Answer – No
- Rationale – this would be outside the project scope

Case Study #8

- The pedestrian signals in a downtown area are being replaced with new countdown signals.
- Question – Must the pushbuttons also be replaced with APS (Accessible Pedestrian Signal) pushbuttons?



Case Study #8

- Answer – Yes
- Rationale – When a complete system is upgraded, then it must be made accessible by all persons with disabilities.
- However – if the replacement is not system-wide, then the answer is No.
- Note – APS pushbuttons should be installed even if there are no pushbuttons currently.
 - Why?

By the way, what is an Accessible
Pedestrian Signal (APS)?

Accessible Pedestrian Signal (APS)

- MUTCD - “a device that communicates information about pedestrian timing in nonvisual format such as audible tones, verbal messages, and/or vibrating surfaces.”

Accessible Pedestrian Signals (APS)



Case Study #9

- The local transit agency designates a bus stop location by installing a sign in a location that has no existing accessible features.
- Question – must an accessible landing and lift area be provided for this new bus stop?



BUS STOP

Case Study #9

- Answer – No
- Rationale – designation of a bus stop does not mandate accessibility improvements immediately for the location.
- However – the location should be added to the transition plan to bring it into compliance
- But, let's look at that picture again...



BUS STOP

Case Study #10

- A city is reconstructing a sidewalk with a cross slope of greater than 5% along the face of a building. If the cross slope were to be corrected to 2%, access to the buildings could no longer be provided.
- Question – Does the sidewalk have to be reconstructed such that the maximum cross slope is 2%?



Case Study #10

- Answer – Yes
- Rationale – the jurisdiction's first responsibility is to provide accessible sidewalks. Access to business is secondary to this responsibility.

Here is an almost-great example
of providing accessibility of the
sidewalk and access to
businesses...

The New You
Bra Boutique

The New You
Bra Boutique



But...



Bonus Question

Bonus Question

- Question - Do Section 504 requirements have to be followed if federal funds are not being used for the project?

Bonus Question

- Answer – Yes.
- Rationale – the Civil Rights Restoration Act of 1987 requires that if a state or local government agency receives federal money from any source and used for any purpose, then Section 504 must be followed in all of that agency's programs.

In Summary

What Should We Be Looking For?

- Accessible for all users
- Curb ramps
- Detectable warning
- Accessible Pedestrian Signals
- Clear pedestrian access route (4 feet)
- Cross slopes (2%)
- Curb ramp slopes (1:12)
- Level landing areas (4 foot square)