Pedestrian Accessibility

Americans with Disabilities Act (ADA) Requirements in the Public Right-of-Way

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Section 504/ADA Title II

Rehabilitation Act Section 504 (1973)
- Prohibits discrimination under any “program or activity” that receives federal assistance
- DOT regulations 49 CFR Part 27
- Transition Plan – bring existing into compliance

Americans with Disabilities Act (1990)
- Prohibits discrimination in all aspects of life
- Title II applies to all state and local governments
- DOJ 28 CFR 35/DOT 49 CFR Part 37
- DOT designated federal oversight responsibilities
Which federal agencies implement and enforce?

- **DOJ**: Coordinates Federal agency activities with respect to State and local government compliance with Title II of the ADA; provides policy guidance and interpretations.
- **DOT**: Ensures ADA compliance & that recipients of DOT funds comply with requirements of Section 504.
- **FHWA**: DOT has delegated to FHWA responsibility to ensure Section 504/ADA compliance in the public rights-of-way and on projects using Federal funds administered by FHWA.
- **U.S. Access Board**: Federal agency responsible for developing ADA guidelines for designing and constructing accessible facilities.

**NOTE**: The Access Board develops *guidelines* that aren’t *standards* until they’re adopted by DOT and DOJ.
Accessibility Requirements in the Public Right-of-Way

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- Pedestrian facilities, when provided, must be accessible (28 CFR 35.149 – 35.151)
- Existing facilities must provide Program Access [28 CFR 35.150]
- All NEW work must be accessible to/usable by people with disabilities, unless structurally impracticable [rare – 28 CFR 35.151(a)]
- All ALTERED work must be accessible to/usable by people with disabilities to the maximum extent feasible [28 CFR 35.151(b)]
- Accessible features must be maintained [28 CFR 35.133]
• Uniform Federal Accessibility Standards (UFAS) [no longer in use]
What Standard Applies in the ROW?

- **2004 ABA/ADAAG**
  - Written for Buildings and Sites (sites can be levelled)
  - Covers basic features also found in the right of way
    - Walkways (width, slopes, surfaces, etc.)
    - Curb ramps
  - Adopted by DOT in 2006, with modification to require detectable warnings
  - Adopted by DOJ in 2010 – “2010 ADA Standards”

- **2011 Draft PROWAG**
  - Written for ROW projects (considers terrain)
  - Covers most features found in public ROW, including shared-use paths (added by 2013 SNPRM)
  - Final PROWAG expected in 2016 (and then we’ll need to adopt)
What Standard Applies until a final PROWAG is adopted as a ROW Standard?

- **Agency Choice**
  - Follow ADAAG
    - Use PROWAG as supplement for issues not covered by ADAAG
    - Adopt draft PROWAG as ‘equivalent facilitation’

- **Key Points:**
  - Don’t ‘cherry-pick’ from both guidelines
  - Entities have broad obligation not to discriminate, even if there’s no specific standard (APS, on-street parking, etc)
2013 Joint Technical Assistance
- Defines ‘alteration’ in this context

Alterations
- Overlay
- Mill & Overlay
- Open-graded Surface Course
- Micro-surfacing
- Cape Seal
- In-place Asphalt Recycling

Maintenance
- Striping
- Crack Seal
- Chip Seal
- Slurry Seal
- Spot High-Friction Surface Treatment
- Pavement Patching
What does PROWAG Cover?

Blended Transitions

Curb Ramps
Protruding Objects
Detectable Warnings
Connections

Surfaces
Pedestrian Signage
Width
Temporary Traffic Control

Grade
Cross Slope
Consider accessibility early and often, starting with project scope.
  – Are all accessibility improvements triggered by the project included in the scope?
  – Are needed accessibility improvements *not* triggered by the project included in the agency transition plan?

Requirements will impact the vertical alignment, cross section, and drainage.

Each corner of an intersection is unique and requires a site-specific solution. Just calling out a standard detail doesn’t mean it will work!
Accessibility requirements in work zones and public ROW

• ADA itself. A public entity’s program, services, and activities are to be accessible. Sidewalks and pedestrian travel are public services.

• MUTCD. The needs and control of all road users, including persons with disabilities, shall be an essential part of highway construction and maintenance operations.
• PROWAG – Provide alternate pedestrian access route (R205)
• MUTCD – Maintain same level accessibility & detectability (6D.01)

- Provide advance notice of closures
- Separate pedestrians from the work site
How to navigate?

- By pedestrian with vision disability?
- By pedestrian using a mobility aid?
Examples of Effective Temporary Barricade Design

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Make sure construction signage, etc. doesn’t render sidewalk inaccessible.
State & local governments must maintain the accessible features of facilities in operable working conditions

- Maintenance examples: sidewalks that are in disrepair; overgrown landscaping, snow accumulation; broken elevator; poor pavement patching
• DOJ Title II regulations

  http://www.access-board.gov/prowac/nprm.htm

• 2013 Shared-Use Path SNPRM

• ITE “Planning & Designing for Alterations” – July 2007
  http://www.access-board.gov/prowac/alterations/guide.htm

• ADA/504 Q&As at
  http://www.fhwa.dot.gov/civilrights/programs/ada_sect504qa.cfm
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