



This presentation will cover the Americans with Disabilities Act with a focus on Pedestrian Facilities located within the public right of way. Topics covered in this presentation include:

- ADA law and standards
- PennDOT and Municipal Cooperation
- ADA basic requirements
- Curb ramp types
- RC-67M Details
- Driveway details
- Commonly asked questions
- Design considerations
- Detectable warning surfaces
- Curb ramp asset management
- Technically infeasible
- Project examples

Each of the topics mentioned have been separated into their own section for easy reference.

# Objectives

1. Discuss current ADA issues/standards
2. Prepare for situations that you will encounter this construction season.



The primary objectives for this presentation are:

1. Discuss current ADA issues/standards
2. Prepare for situations that you will encounter this construction season

# Types of Disabilities

- Vision Disabilities
- Hearing Disabilities
- Physical Disabilities
- Mental Disabilities



Many types of disabilities are covered under ADA, including:

Vision disabilities

Hearing disabilities

Physical disabilities

Mental disabilities

Many of the facilities located in the public right of way balance the need of all users. The needs of a pedestrian in wheelchair are not the same as the needs of a pedestrian who is blind.

## **\*\*ADA Law Requires\*\***

1. New construction must be accessible and usable by persons with disabilities.
2. Alterations to existing facilities, within the scope or limits of a project, must provide usability to the maximum extent feasible.
3. Existing facilities that have not been altered shall not deny access to persons with disabilities.

The Americans with Disabilities Act of 1990 recognizes and protects the civil rights of people with disabilities and designed to assist people with disabilities to become active participants within society. ADA law can be summarized into the following:

1. New construction must be accessible and usable by persons with disabilities.
2. Alterations to existing facilities, within the scope or limits of a project, must provide usability to the maximum extent feasible.
3. Existing facilities that have not been altered shall not deny access to persons with disabilities.

It is important to note that ADA does not specifically require you to build a specific facility. Instead it simply states that if you build a facility, it must be accessible by everyone. Furthermore, when you reconstruct or alter a facility, the reconstruction must meet the latest standards.



# ADA Standards

The standards and guidelines serve as a means to achieve and/or measure ADA compliancy but are not requirements of ADA.

## ADA Accessibility Guidelines (ADAAG)

<http://www.access-board.gov/adaag/html/adaag.htm>

Based on Buildings and Facilities – 1991

## Draft Public Rights of Way (PROWAG)

<http://www.access-board.gov/prowac/draft.htm>

Developed for the public right of way - 2005



## ADA Standards.

The ADA law does not provide the details that engineers need to design a fully accessible facilities. This detail is included in the standards. It should be noted that the standards and guidelines serve as a means to achieve and/or measure compliancy but are not the requirements of ADA law.

The US Access Board was developed to define the ADA standards. In 1991 the ADA Accessibility Guidelines or "ADAAG" standards were released. The ADAAG was based on building and facilities with only one section 4.7 dealing with curb ramps. The ADAAG did not include or was silent on many issues for the public right of way.

The US Access Board recognized this and released the Draft Public Right of Way Accessibility Guidelines or "PROWAG". The PROWAG guidelines were developed specifically for the Public R/W. The DOJ is reviewing the PROWAG and when it is accepted, the PROWAG will graduate from a guideline to a standard.

# ADAAG and PROWAG

Both the ADAAG and the PROWAG provide means to meet the requirements of ADA.

## Conclusion:

**ADAAG** – For facilities located outside the public right of way .

**PROWAG** - For facilities located within the public right of way (except for structures).



What does all of this ADAAG and PROWAG discussion mean?

The two documents, as well as other documents, were incorporated into PennDOT's policy and standards. Anything designed or constructed for PennDOT will be done using PennDOT's standards and in turn be ADA compliant.

## **\*\* Chain of Events \*\***

1990 - Americans with Disabilities Act signed into LAW by President G. Bush to assist persons with disabilities to become active in society.

As per ADA Law:

When construction (Alterations) occurs, the **ALTERED CONSTRUCTION** within the limit of work is required to meet the latest ADA standards or provide access to maximum extent feasible.

1990's - Many curb ramps were installed under a "Best Fit" scenario

1993- In the past, resurfacing (including mill and fills) were not considered alterations.

Federal court case (Kinney vs. Yerusallim, 813 F. Supp. 547 F.D. PA 1993) it was determined:

- resurfacing (including mill and fills) are **ALTERATIONS** to the road surface and pedestrian paths that cross the resurfacing area.
- **CURB RAMPS** must be upgraded
- The upgrade must be **AT THE SAME TIME** as the alteration.

Chain of events. You may ask, "How did we get here? What is new?" Aside from minor changes in the detectable warning surface, not many changes have occurred. Going thru the time line....

1990 - Americans with Disabilities Act signed into LAW by President G. Bush to assist persons with disabilities to become active in society.

As per ADA Law:

When construction (Alterations) occurs, the ALTERED CONSTRUCTION within the limit of work is required to meet the latest ADA standards or provide access to maximum extent feasible.

1990's - Many curb ramps were installed under a "Best Fit" scenario

1993- In the past, resurfacing (including mill and fills) were not considered alterations.

Federal court case (Kinney vs. Yerusallim, 813 F. Supp. 547 F.D. PA 1993) it was determined:

Resurfacing (including mill and fills) are ALTERATIONS to the road surface and pedestrian paths that cross the resurfacing area. Therefore, CURB RAMPS must be upgraded AT THE SAME TIME as the alteration.

...So as you can see, it is the Federal Court Case that has established the most change in PennDOT's program. The court case linked the pedestrian path and the curb ramp as one pedestrian facility. If the pedestrian path is altered, the curb ramp is altered.

## **\*\* Types of Construction \*\***

### New Construction

- Off alignment project where existing site conditions will not limit the design

### Alteration to Existing Facility

- Existing site constraints that could limit design
- Must meet requirements of new construction
- Technically Infeasible to meet standards - provide access to maximum extent feasible within project scope



### Types of construction

Under ADA, 2 types of construction are identified.

#### 1. New construction.

Normally an off alignment project where existing site constraints do not limit the ability to design or construct fully accessible facilities.

#### 2. Alterations to existing facilities.

Alterations normally have existing site constraints that limit the design or construction such as existing utilities, existing R/W limitations, existing buildings or even the existing roadway profile grade. For alterations it becomes very difficult to fully meet the standards.

Where it is technically infeasible to fully meet the standards, access must be provided to the maximum extent feasible. Where this occurs, the designer will document how they determined maximum access has been provided by submitting a Technically Infeasible Form. This will be discussed in more detail later.



Examples:

1. Installing new sidewalk along an **existing** road (alteration) – must meet RC-67M, provide max. access extent feasible (document with TIF form)
2. Upgrading an **existing** curb ramp (alteration) - must meet RC-67M or provide access to the max extent feasible (document with TIF form)
3. Upgrading an **existing** traffic signal (alteration) – traffic signal equipment must meet latest standards
4. Install a **new** pedestrian push button (new construction) – must meet latest standards and be accessible to the max extent feasible. This may include upgrading or installing curb ramps and sidewalk
5. Replacing traffic signal bulbs (maintenance) – no other work is necessary
6. Overlay **existing** lanes (alteration) – Upgrade/install curb ramps for pedestrian paths that cross the overlay area. If driveways and sidewalks are not altered by the overlay project, they do not need to be upgraded, only the curb ramps. Access to pedestrian push buttons shall also be addressed to the max extent feasible.
7. Slurry seals (maintenance) – no other work necessary

Let's go thru some examples:

1. Installing new sidewalk along an existing road (alteration) – must meet RC-67M, provide max. access extent feasible (document with TIF form)
2. Upgrading an existing curb ramp (alteration) - must meet RC-67M or provide access to the max extent feasible (document with TIF form)
3. Upgrading an existing traffic signal (alteration) – traffic signal equipment must meet latest standards
4. Install a new pedestrian push button (new construction) – must meet latest standards and be accessible. This may include upgrading or installing curb ramps and sidewalk
5. Replacing traffic signal bulbs (maintenance) – no other work is necessary.
6. Overlay existing lanes (alteration) – Upgrade/install curb ramps for pedestrian paths that cross the overlay area. If driveways and sidewalks are not altered by the overlay project, they do not need to be upgraded, only the curb ramps. Access to pedestrian push buttons shall also be addressed.
7. Slurry seals (maintenance) – no other work necessary