Designing Pedestrian Facilities for Accessibility (DPFA)

July 9 & 10, 2014
Designing Pedestrian Facilities for Accessibility

Module 1
Laws, Regulations, and Pedestrian Characteristics

U.S. Department of Transportation
Federal Highway Administration
In this course, we will:

- Identify applicable laws, regulations, guidelines, and standards pertaining to accessibility for persons with disabilities
- Discuss requirements for ensuring accessibility in existing facilities vs. work in new construction and alterations
- Identify some of the challenges in the PROW faced by persons with disabilities
- Review design elements necessary for achieving accessibility in the PROW
- Identify Best Practices
1. Laws, Regulations, and Pedestrian Characteristics
2. Pedestrian Access Route
3. Curb Ramps and Other Transitions
4. Detectable Warning Surfaces
5. Pedestrian Crossings
6. Accessible Pedestrian Signals
7. Street Furniture and Parking
8. Work Zones & Maintenance
9. Wrap up
Introduction

Module 1 Outline

• Participants Introductions
• Why the Americans with Disabilities Act (ADA) Exists
• Overarching Laws and Policies
• The Pedestrian Environment
• Wrap up
Participant Introductions

- What is your name/job title?
- Who do you work for?
- What question(s) do you hope this training will answer?
Question 1

According to the 2010 Census, what percent of the U.S. population over the age of 15 has a disability?
Introduction

• 21 percent (or approximately 52 million) of the U.S. population over the age of 15 has a disability (2010 Census)

• 7.5 million Americans have hearing disabilities (2010 Census)
Question 2

How many Americans would you guess have vision disabilities?
Introduction

- 8 million Americans have vision disability (2010 Census)
- Visual disability can range from total blindness to low vision.
- The National Council on Disabilities estimates that 70 percent of our country’s population will eventually have a temporary or permanent disability that makes climbing stairs impossible.
Introduction

- Architectural Barriers Act (ABA - originated 1968)
- Rehabilitation Act (1973) - Section 504 (49 CFR Part 27)
- Civil Rights Restoration Act (1987)
- Americans with Disabilities Act (ADA) (1990)
Five Titles of ADA

- Title I  Employment
- Title II  State & Local Governments (28 CFR Part 35)
- Title III  Public Accommodations (retail, commercial, sports complexes, movie theaters, et al) (28 CFR Part 36)
- Title IV  Telecommunications
- Title V  Misc., including requirements for the U.S. Access Board to develop design guidelines
Basic Requirements:

- Must ensure that individuals with disabilities are not excluded from programs, services, and activities (pedestrian facilities are an example of a program)
Basic Requirements:
- Designate an ADA Coordinator
- Development & postings of an ADA Policy Statement
- Development & postings of Grievance Procedures/Complaint Procedures
- Complete a self-evaluation
- Development of a Transition Plan
Designing Pedestrian Facilities for Accessibility

Transition Plan Elements

• Identify/list physical obstacles and their location
• Describe in detail the methods the entity will use to make the facilities accessible
• Provide a schedule for making the access modifications
• Provide a yearly schedule if the transition plan is more than one year long
• Name/position of the official who is responsible for implementing the Transition Plan
Pedestrian right-of-way facilities
- Curb ramps (required)
- Sidewalks
- Parking lots
- Pedestrian signals
- Bus stops
- Shared use trails
- Parks/recreational facilities
New Construction 28 CFR 35.151

- New construction (and altered facilities) must be designed and constructed to be accessible to and usable by persons with disabilities.
Title II - Alterations

Alteredations - 28 CFR 35.151

• DOJ and court decisions consider roadway resurfacing an alteration (1993)

• Roadway resurfacing triggers requirement for curb ramp installations/retrofits (to current standards)
Introduction

- 1993
- Court of Appeals for the Third Circuit
- Established “alteration”
- City was resurfacing streets but not installing ramps
- City felt resurfacing is not alteration - wrong
- Court established broad definition of “alteration”
- Court narrowly limited ADA’s “undue burden” language - applies only to existing facilities and the cost of providing accessible ramps is of no issue once an alteration is undertaken

Kinney v. Yerusalim
Introduction

- 2004
- Settlement agreement
- Went beyond just curb ramps - removal of barriers, narrow pathways, abrupt level changes, excessive slopes, overhanging obstructions and improvement of crosswalk access
- 20% of annual Transportation Fund for 30 years allocated to make pedestrian ways accessible
- Upgrades to ramps as part of alterations would be outside of the 20%
Introduction

CDR v. Caltrans

• 2008
• Californians for Disability Rights versus CA DOT
• Ninth Circuit Court addressed Sovereign Immunity, finding that ADA’s language suitably trumps the 11th Amendment to the Constitution
• CDR also asserted that Caltrans had failed to survey its 2,500 miles of sidewalk and therefore could not know what access barriers exist
• Lack of a Transition Plan constituted a violation of ADA by itself
Introduction

- Settlement filed December
- $1.1 Billion over 30 years
- Caltrans will pay $3.75-$8.75 million in court fees
- $25-$45 million/year commitment
- Install 10,000 curb ramps
- Retrofit 50,000 existing ramps
- Reconstruct hundreds of miles sidewalk
- Modify 15,000 intersection pedestrian crossings
- Audible signals for the blind
- Temporary pedestrian routes
Title II - Alterations

Considered alterations to road surface:

- Reconstruction
- Rehabilitation
- Open-graded surface course
- Microsurfacing
- Thin lift overlays
- Cape seal
- In-place asphalt recycling

From 2013 Alterations Memorandum

Not alterations:

- Crack filling and sealing
- Surface sealing
  - Scrub/fog seal
- Chip seals
- Slurry seal
- Joint crack seals
- Joint repairs
- Spot high friction treatments
- Pavement patching
- Diamond grinding
- Dowel retrofit
Existing Facilities - 28 CFR 35.150

Goal for structural modifications and program access is a level of usability that balances:

- User needs
- Constraints of existing conditions
- Available resources
Alterations to existing facilities must meet minimum design standards to the extent practicable to do so.
Undue Burden 28 CFR 35.150(a)(3)

- Based on all resources available for a program
- Claims must be proven and accompanied by a written statement of reasons and signed by the head of the public entity
- What constitutes undue burden will often be decided in courts
28 CFR 35.133

- 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; work zone accessibility (if construction activity affects pedestrian facilities - provide alternate route if more than temp. disruption)
Introduction

ADA Accessibility Guidelines (ADAAG)

- Developed primarily for buildings & on-site facilities
- Do not address all situations (especially those that are unique to the public right-of-way)
Public Right-of-Way Accessibility Guidelines (PROWAG)

Introduction

- Originally intended to supplement the ADAAG to provide standards specific to public rights-of-way; most recently formatted as a stand-alone document
- Applicable to new construction and alterations (of existing facilities)
- Undergoing the rulemaking process (2011 Notice of Proposed Rule Making published w/ updated guidelines.)
Departures from particular technical and scoping requirements of this guideline by the use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the facility.
Introducing

Issues in draft PROWAG not adequately addressed in ADAAG

- Pedestrian Access Route (e.g. allows sidewalk running slope to match roadway grade)
- Curb ramps - more design options
- Detectable warnings
- Crosswalks
- APS (Accessible Pedestrian Signals)
- On-street parking
- Roundabouts
The Pedestrian Environment

Introduction

Designing Pedestrian Facilities for Accessibility
Characteristics of Pedestrians

- People with mobility disabilities may have limited agility, speed, endurance
- They benefit from
  - Firm level surfaces
  - Adequate clear width
  - Curb ramps
  - Limited cross slope
Movement Barriers

Restrict a person’s ability to physically move or progress along or within an environment
Examples of Movement Barriers

A

B

C

Designing Pedestrian Facilities for Accessibility
Characteristics of Pedestrians

- People with vision disabilities get information from sounds, textures, contrast
- They benefit from information in non-visual formats:
  - Audible/vibrotactile crossing information
  - Tactile indication of boundary between ped and vehicular way
  - Clearly defined pathways
  - High color contrasts
Designing Pedestrian Facilities for Accessibility
Examples of Information Barriers

Introduction

Designing Pedestrian Facilities for Accessibility
• People with hearing disabilities rely on vision
• They benefit from:
  - Good sight lines for assessing street crossing conditions
  - Information in visual or vibrotactile format
Characteristics of Pedestrians

- Persons with cognitive disabilities have different processing and decision-making skills
- They benefit from:
  - Straightforward, direct environments
  - Uncomplicated street crossings
  - Easy to understand symbols
Accessible Design Principles

- Design the built environment to be usable by a broad spectrum of users
- Enable users to travel independently
- Integrate pedestrian facilities in planning and design - not as an afterthought
What are the six basic requirements of Title II entities (over 50 employees)?

What are the current standards for accessible design?

What role does the PROWAG currently have?

What are two types of barriers faced by persons with disabilities?
References

• Title II of ADA, with analysis
  - http://www.ada.gov/taman2.html


• FHWA memo - Clarification of FHWA’s Oversight Role in Accessibility, September 12, 2006
  - http://www fhwa dot gov/civilrights/programs/ada cfm
• AASHTO Guide for Planning, Design, and Operation of Pedestrian Facilities

• Public ROW Access Advisory Committee’s Report on “Accessible Public ROW Planning & Designing for Alterations” - July 2007