ADA / Section 504

Laws, Regulations, and Pedestrian Characteristics
In this part of the session, 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.
Session Outline

- Why the American Disabilities Act (ADA) Exists
- Laws and Policies
- The Pedestrian Environment
- Wrap up
No Handouts
Question 1

According to the 2000 Census, what percent of the U.S. population over the age of 15 has a disability?
Answer to Question 1

- 20 percent (or approximately 54 million) of the U.S. population over the age of 15 has a disability (2000 Census)
- 17 million Americans have serious hearing disabilities (2000 Census)
Question 2

How many Americans would you guess have vision disabilities?
• According to the National Council on Disabilities:
  10 - 12 million

• There are three times as many people with severe visual disabilities than there are wheelchair users.

• Visual disability can range from total blindness to low vision.

• The Council also estimates that 70 percent of our country’s population will eventually have a temporary or permanent disability that makes climbing stairs impossible.
Legal Background

- 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)
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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
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
Transition Plan Elements

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

Alterations - 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)
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, unless technically infeasible to do so.
Title II - Existing Facilities

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)
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)

- 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 (latest version 2005)
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.
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
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

ADA / Section 504
Introduction
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
Examples of Information Barriers
Characteristics of Pedestrians

- People with hearing disabilities rely on vision
- They benefit from:
  - Good sight lines for assessing street crossing conditions
  - Information in visual or vibrotactile format
• 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
Recap

• 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](http://www.ada.gov/taman2.html)

- Draft Public Rights-of-Way Accessibility Guidelines, November 23, 2005
  - [http://www.access-board.gov/prowac/draft.htm](http://www.access-board.gov/prowac/draft.htm)

- FHWA memo - Clarification of FHWA’s Oversight Role in Accessibility, September 12, 2006
  - [http://www.fhwa.dot.gov/civilrights/ada_memo_clarificationa.htm](http://www.fhwa.dot.gov/civilrights/ada_memo_clarificationa.htm)

- AASHTO Guide for Planning, Design, and Operation of Pedestrian Facilities

  - [http://www.access-board.gov/prowac/alterations/guide.htm](http://www.access-board.gov/prowac/alterations/guide.htm)
Any Questions?

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