Today’s webinar presenters

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Program Legal Services Office
Federal Highway Administration (FHWA)
Office of the Chief Counsel
The Americans with Disability Act (ADA) & the Rehabilitation Act Section 504 (Section 504)

- Public Entities’ obligations to provide program access through:
  - Transition/Program Access plans
Definition: Public Rights-of-Way (PROW)

- The PROW is the network of streets and sidewalks creating public pedestrian access within a public entity’s jurisdictional limits.
Definition: Authority

**Statutes:** U.S.C.: United States Code:
find text through [www.gpo.gov](http://www.gpo.gov) and [www.gpoaccess.gov/uscode](http://www.gpoaccess.gov/uscode)

**Regulations:** C.F.R.: Code of Federal Regulations:
[www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html); [www.ada.gov](http://www.ada.gov);
[www.dot.gov/regulations.html](http://www.dot.gov/regulations.html)

**Guidance:**
**USDOJ:** [www.ada.gov](http://www.ada.gov)
Federal Highway Administration:
[www.fhwa.dot.gov/civilrights/admin.htm#memorandums](http://www.fhwa.dot.gov/civilrights/admin.htm#memorandums)
“Nondiscrimination” General Rules

- In PROW, each public entity must ensure that pedestrian facilities meet Uniform Federal Accessibility Standards (UFAS) or ADA Accessibility Guidelines (ADAAG) standards: FHWA encourages ADAAG. 28 CFR 35.151(c); USDOJ Technical Assistance II-6.2100.

- Parallel requirements for accessibility. USDOJ Technical Assistance II-1.4100
Legal Context: ADA & Section 504:
Public Entity Responsibilities

- Primary method: Planning for Program Access:
  - Use planning processes, including program access plans, to ensure ADAAG compliant access for persons with disabilities to the public right-of-way. 28 C.F.R. §§ 35.105, 13.150; USDOJ Toolkit, Chapter 6, §4.
  - Planning processes: including pedestrian planning aspects of new planning rule for MPOs. 23 CFR Part 450 (effective 3/16/07).
  - Provide responsible employee and grievance procedures. 28 C.F.R. § 35.107.
Secondary method: Projects:

- New and alteration projects with pedestrian facilities in the scope of the project must meet ADAAG standards to the maximum extent feasible. 28 C.F.R. § 35.151.
ADA & Section 504: Planning:

Why require Program Access Plans

- To provide a method for a public entity to schedule and implement ADA-required improvements to existing streets and sidewalks in the PROW. 28 C.F.R. § 150(d).
- Required for curb ramp schedules (28 C.F.R. § 35.150(d)(2)), but may be used for the sidewalks and detectable warnings aspects for ADAAG compliance.
Who: Required for public entities with more than 50 employees. 28 C.F.R. § 35.105(c).

What: Schedules construction of curb ramps with detectable warnings for pedestrian access to existing PROW sidewalks and street access points. 28 C.F.R. § 35.150(d)(2).

Where: Public right-of-way pedestrian facilities, with priority given to government buildings, transportation areas, etc. (EX: courthouse). 28 C.F.R. § 35.150(d)(2).
ADA & Section 504: Program Access/Transition Plans:

How

The Program Access Plan schedule should:

- Identify existing facilities that limit access for persons with disabilities.
- Describe in detail methods to be used to make facilities accessible.
- Specify schedule for improving facilities by prioritizing needs of persons with disabilities in existing facilities.
- Indicate official responsible for implementation of plan.

28 C.F.R. § 35.150(d)(3).
ADA & Section 504: Program Access/Transition Plans:

**Specific requirements**

- Provide opportunity to interested persons and groups to participate in self-evaluation leading to the plan. 28 C.F.R. § 35.105(b).
- Make self-evaluation and plan available for public inspection:
  - Specific time frames and information required. 28 C.F.R. § 35.105(c).
Cost Issues

- Cost analysis = Undue burden standard: only when improvement requires cost that, when compared to entire transportation program, would create an undue financial burden, may improvement be considered too costly.

- Follow procedure at 28 C.F.R. § 35.150(a)(3).
ADA & Section 504: Program Access/Transition Plans:

Cost issues

Entire Program Cost

Project cost
Planning Issues

- Integrate program access plan with the Statewide Transportation Improvement Plan (STIP) and Transportation Improvement Plan (TIP)
- Incorporate improvement projects into program access plan as identified
- Identify facilities needing to be added:
  - As alteration projects occur
  - As maintenance projects occur
• Originally transition plan projects were to be completed by January 26, 1995. 28 C.F.R. § 35.150 (c).

• All public entities were to have transition plans by July 26, 1992 (28 C.F.R. § 35.150(d)), with self-evaluations governed by 28 C.F.R. § 35.105.

• DOJ Chapter 6 Toolkit: Reaffirmed need for program access planning: www.usdoj.gov/crt/ada/pca toolkit/chap6toolkit.htm
ADA & Section 504:

**FHWA Responsibilities**

- FHWA is responsible for oversight of federal, state and locality planning, design and construction processes for PROW accessibility, including program access plans.
- Oversight example: FHWA Division’s Actions:
  - Review State and local program access plans and projects
  - ADA/Section 504 complaint processing
Accessibility in the Public Right-of-Way: Resources

- USDOJ Toolkit:
  www.usdoj.gov/crt/ada/pcatoolkit/chap6toolkit.htm

- FHWA Guidance:
  http://www.fhwa.dot.gov/accessibility/index.cfm
APPENDIX
Legal Context:

Statutory language

Section 504: 29 USC § 794

“No otherwise qualified individual with a disability in the United States . . . Shall solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial Assistance or under any program or activity conducted by any Executive agency . . .”

29 USC § 794 (a)

ADA: 42 USC 12111 et seq:

Title II, Part A:

“. . . no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

42 USC § 12132
Legal Context: ADA & Section 504:

“Nondiscrimination” Corollary

- Compliance requires that where public agencies provide pedestrian facilities, those facilities are to be accessible to persons with disabilities. 28 CFR 35.149 – 35.151
- Pedestrian curb ramps required in facility where it is legal to walk. USDOJ Toolkit, Chapter 6, §3, ¶4
- Therefore, review local law & remember:
  - Compliance does not require analysis of pedestrian need for placement of facilities.
  - Compliance does not require that public agencies provide sidewalks and curb ramps everywhere.
Legal Context: ADA & Section 504:
Sources for Nondiscrimination Standards

Reasonable & Consistent Policy

USDOJ Regulation/ADAAG
Legal Context: ADA & Section 504:

**Enforcement**

- Overlapping enforcement powers over public agencies:
  - (1) Section 504 covers public agencies spending federal funds.
  - (2) ADA Title II covers public agencies with power over PROW.
Legal Context: ADA & Section 504:

Enforcement

ADA: Public entities with no federal funds

Section 504: Federal funding necessary

ADA & Section 504: Mixed federal & non-federal funding
Legal Context: ADA & Section 504: Enforcement:

Ultimate Remedies

- Where noncompliance exists:
  - For Federal-aid recipient: FHWA can withhold federal money, after enforcement process required at 49 C.F.R. §§ 27.121 – 27.129. (Section 504)
  - For State or local government, regardless of federal funds: FHWA shall seek voluntary compliance agreement with public agency, and if voluntary negotiations are unsuccessful, shall send case to the Attorney General for appropriate action. 28 C.F.R. §§ 35.173 – 35.174. (ADA)
ADA & Section 504: Contractors’ Obligations:

- Ensure new and alterations projects provide minimum required accessibility under ADAAG, 28 C.F.R. Part 36, App. A.
- Look to public facility program access plans to identify projects planned to include access.
- Minimum access considerations on street with pedestrian “facility”/legal access:
  - Curb ramp with detectable warnings, ADAAG § 4.7, 4.29
  - Consider sidewalks
  - Consider accessible pedestrian signals
ADA & Section 504:
Contractors’ Obligations:

- Work zone accessibility requirements:
  - Provide “temporary safe pedestrian passageways around a construction site”, ADAAG §4.1.1(1994) at 28 C.F.R. Part 36, Appendix A.
  - Safe passage does NOT include “structures, sites and equipment directly associated with the actual processes of construction, such as scaffolding, bridging, materials hoists, or construction trailers. . .” ADAAG §4.1.1(1994) at 28 C.F.R. Part 36, Appendix A.
ADA & Section 504: Contractors’ Obligations:

- Before accepting contract:
  - Review proposal for facility accessibility obligations that must be built, determine who is responsible.
    - Can check public entities’ program access plan.
  - Review proposal for work zone accessibility requirements, include costs in project estimate.
ADA & Section 504:

New Projects

- Design and construct all new facilities to be readily accessible to and useable by individuals with disabilities. 28 C.F.R. § 35.151(a).
  - At minimum, in the public right-of-way, meet ADAAG standards, including:
    - Curb ramps with detectable warnings. ADAAG §§ 4.7, 4.29.
    - Unobstructed sidewalks with accessible slope, width. ADAAG §§ 4.3 – 4.5.
  - Consider accessibility aids such as: accessible pedestrian signals and signs to facilitate safe street crossings. 23 U.S.C. § 217(g)(2).
In an alteration project, a public entity must make accessible, any pedestrian facilities changed within the scope of the project to the maximum extent feasible. 28 C.F.R. § 35.151(b).

- Maximum extent feasible = technical feasibility, not cost. ADAAG § 4.1.6(1)(j); USDOJ Technical Assistance II-6.3100(4).
- Not primary method of improving accessibility.
ADA & Section 504: Alteration Projects

- Scope of the project: Each altered element or space within the limits of the project shall meet ADAAG standards to the maximum extent feasible. PROW Guidelines (2005 Draft) § 202.3.

- No path-of-travel obligation: PROW analogous to electrical systems alteration discussed at ADAAG § 4.1.6(i).

- See Scope Q&A examples from draft PROW Guidelines.
Scope Questions & Answers from Draft PROW Guidelines:

**Question:** One corner of an intersection is being altered by curb and gutter reconstruction and paired curb ramps are being installed as part of this project. The other three corners of the intersection are not being altered. Must curb ramps be provided at the unaltered corners as part of this work?
**Answer:** No. The scope of the project requires curb ramps only at the altered corner.

**Question:** A project will be undertaken to connect a series of sidewalk segments near a school. Must the existing segments of sidewalk be modified if they do not meet width or cross slope provisions?
**Answer:** Yes, to the maximum extent feasible within the scope of the project. Agencies are not required to expand a planned scope of work to include other items of accessibility.

**Question:** A new sidewalk is being built along an existing road that contains driveway access points. Must those driveways be modified if their cross slope exceeds 2%?
**Answer:** Yes, to the maximum extent feasible within the scope of the project.
ADA & Section 504: Alteration Projects

Alteration Definition:

- A change to a facility in the public right-of-way that affects, or could affect, access or use of the facility, including changes to structure, grade, or use of the facility.
- Examples: reconstruction, major rehabilitation, widening, resurfacing (such as structural overlays and mill and fill), signal installation and upgrades.
ADA & Section 504:
Alteration Projects

Maintenance is not an alteration.

Maintenance Definition:

- Activities intended to preserve the system, retard future deterioration, and maintain functional condition of the roadway without increasing structural capacity.

- Examples: Liquid applied sealing, thin surface treatments (nonstructural), joint repair, pavement patching (such as filling potholes), shoulder repair, signing, striping, minor signal upgrades, and repairs to drainage systems.
When resurfacing of a street alters the usability of a street, curb ramps within scope of the alteration project must be improved to the maximum extent feasible to meet ADAAG standards (including detectable warnings) at the same time that the project occurs. 

*Kinney v. Yerusalim*, 9 F.3d 1067, 1070, 1072 (3d Cir. 1993), *cert. denied*, 511 U.S. 1033 (1994); 28 C.F.R. § 35.151(b); ADAAG § 3.5 (alteration definition).
ADA & Section 504:

FHWA Responsibilities

- Regardless of funding source:
  - FHWA must investigate complaints and should investigate any cases where FHWA has reason to believe that accessibility problems exist.

- Training:
  - FHWA should provide and encourage accessibility training for Federal, State and local agencies.
ADA Enforcement: Lawsuits

- ADA allows individuals to enforce ADA obligations, including curb ramp obligations, through private action in federal district court against a public entity.
Lonberg v. City of Riverside

- 1997 - 2007: Ten years of litigation
- Ruling: City of Riverside discriminated against plaintiff by failing to construct and alter compliant curb ramps and sidewalks.
Lonberg v. City of Riverside

- California Damage Award Calculations:
  Total $221,000.00
  - 181 locations of unsafe curb ramps/no curb ramps used once between Sept. 4, 1996 and February 12, 2007
    \( \times \) $1,000.00 statutory minimum damages for one offense of denied or unsafe access = $181,000.00
  - 8 locations of unsafe curb ramps/no curb ramps near plaintiff’s home used at least one hundred times between Sept. 4, 1996 and February 12, 2007
    \( \times \) $5,000.00 damages = $40,000.00
Lonberg v. City of Riverside

- Damages awarded because City of Riverside’s lack of curb ramp access harmed plaintiff’s dignity and ability to become self-reliant member of society.
Accessibility in the Public Right-of-Way: Legal Update

- USDOJ Toolkit:  
  www.usdoj.gov/crt/ada/pcatchoolkit/chap6toolkit.htm

- FHWA Guidance:  
  www.fhwa.dot.gov/civilrights/ada_memo_clarifications.htm and  
  www.fhwa.dot.gov/civilrights/ada_qa.htm

- Lonberg v. City of Riverside summary:  
ADA & Section 504: Access Board Draft Guidance

Recommended source for reasonable policies on issues not governed by ADAAG standards.

Notice of Availability (Nov. 23, 2005):

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

PROW Draft Guidelines:

http://www.access-board.gov/prowac/draft.htm#304
Bellevue’s ADA Transition Plan: From Self-Evaluation to Corrective Measures:

Franz Loewenherz
Senior Transportation Planner
City of Bellevue (WA)

Self-Evaluation Report
- Data Collection
- Database Analysis
- Barrier Ranking

ADA Transition Plan
- Corrective Measures
- Implementation Schedule
- Financing Plan

Disability Community Participation

apbp webinar, March 17, 2010
Title II Elements

Self-Evaluation Report
- Data Collection
- Database Analysis
- Barrier Ranking

ADA Transition Plan
- Corrective Measures
- Implementation Schedule
- Financing Plan

Disability Community Participation
Sidewalk & Curb Ramp Inventory Overview

Absence of level landing

Top Landing

Tactile Warning

Moveable Obstruction

Fixed Obstruction

Heaving

Ramp cross slope

No Ramp

Ramp Transition

Bottom Landing
Guidance for Conducting an ADA Inventory

Reference reports
- FHWA (1999)
- PROWAAC (2007)
- NCHRP (2008)

Inventory tools
- Texas DOT
- Maryland Highway
- City of Sacramento
- Florida DOT
Bellevue’s Approach

1. Data Collection

2. Database Analysis

3. Barrier Ranking

Disability Community Participation
ADA Curb Ramp Inventory
ADA Sidewalk Inventory

On January 22, 2004, in the case of Barden v. Sacramento, the 9th Circuit Court ruled that sidewalks were a "program" under ADA and must be made accessible to persons with disabilities.

FHWA guidance on grade and cross-slope:
“should be measured over 2 ft intervals, the approximate length of a wheelchair wheelbase, or a single walking pace.”
Technology Development Partnership

Project assessed the applicability of inertial profiling technologies in identifying existing sidewalk and ramp facilities that limit access for persons with disabilities.

Coordinated staffing & funding commitment from three agencies from three levels of government.
ULIP Technology

Sensor box includes:

1. a displacement laser (texture/profile/height),
2. three accelerometers (inertial profiling),
3. a gyroscope (pitch, roll, yaw),
4. optical trigger (reference),
5. GPS (general location), and
6. a DMI (travel distance system).

Computer and data acquisition card are used for data capture.
Running Slope Analysis

- Allow sidewalk running slope to match roadway grade.
  - PROWAG (not ADAAG)

- 134 miles of our sidewalk facilities exceed 5% grade standard.

- 95 miles are attributable to the adjacency of the roadway grade.

- 39 miles of non-standard grade sidewalk surfaces are referenced in the City’s Transition Plan document.
Changes in Level

Changes in level are defined as vertical height transitions between adjacent surfaces or along the surface of a path. The Federal accessibility standards (ADAAG 4.5.2) permit changes in level less than 0.25 in to be vertical but require changes in level between 0.25 in and 0.50 in to have a maximum level of 50 percent. A ramp is required for changes in level that exceed 0.50 in.

Change in sidewalk level (2 inch) at 148th Avenue NE & NE 35th Street.
Compliance vs. Accessibility

ADA tells us which features are non-standard …

... But it doesn’t tell us which of these non-standard features should be replaced first.
Community Outreach

Engaged people with disabilities to ensure that we fully understood their challenges and priorities.

- December 2007: 3 Focus Groups
- April 2009: Field tour in partnership with King County
- May 2009: ADA Accessibility Open House
- June 2009: Written survey with more than 100 responses
Barrier Ranking Analysis

Activity Score + Impedance Score = Barrier Ranking

- Streets
- Land Use
- Census
- Paths
- Ramps
- Islands
## Corrective Measures

<table>
<thead>
<tr>
<th>Barrier</th>
<th>Corrective Measure</th>
<th>Individual Cost (design, construct, inspect)</th>
<th>Number</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curb Ramp</td>
<td>Replace Install, if missing</td>
<td>$7,150</td>
<td>4,586</td>
<td>$32,789,900</td>
</tr>
<tr>
<td>Fixed Obstruction</td>
<td>Remove Compliant bypass</td>
<td>$13,000</td>
<td>226</td>
<td>$2,938,000</td>
</tr>
<tr>
<td>¼” Heave</td>
<td>Bevel edge</td>
<td>$40</td>
<td>20,002</td>
<td>$800,080</td>
</tr>
<tr>
<td>½” Heave</td>
<td>Asphalt patch “ramp”</td>
<td>$30</td>
<td>7,014</td>
<td>$210,420</td>
</tr>
<tr>
<td>¾” Heave</td>
<td>Replace panel(s)</td>
<td>$2,500</td>
<td>542</td>
<td>$13,550,000</td>
</tr>
<tr>
<td>Running Slope</td>
<td>Regrade or plateau Replace panels</td>
<td>$26,000/10ft</td>
<td>200,640 feet</td>
<td>$521,664,000</td>
</tr>
<tr>
<td></td>
<td>Walls, as needed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cross Slope</td>
<td>Replace panel</td>
<td>$3,250/10 foot</td>
<td>1,119,360 feet</td>
<td>$363,792,000</td>
</tr>
</tbody>
</table>

$935,744,400
ADA Transition Plan Development

2010 Timeline
1. PROW Plan – Draft (Q1) & Final (Q2)
2. Program & Services Plan – Draft (Q3) & Final (Q4)
3. Facilities Plan – Draft (Q3) & Final (Q4)
Summer 2009 - A new sidewalk and curb ramps were built next to the new westbound lane.

Project enhanced pedestrian facilities by removing fixed obstructions and improving sidewalk surface conditions (both changes in level and slope variations).

Addressed barriers to accessibility in a downtown Bellevue location that has high volumes of pedestrian usage.
Corrective Measures

Keep it Neighborly
CLEAR THE WALKWAY!

In our northwest climate, trees and shrubs grow quickly. Overgrown plants and low-hanging branches can lead to head and eye injuries, as well as force pedestrians to walk into oncoming traffic. To improve the safety of your sidewalk, be sure to:

- Prune trees to a seven-foot vertical clearance.
- Prune one foot back from the edge of the sidewalk. This practice allows your neighbors to use all of the sidewalk space more effectively and safely.
- Sweep away fallen leaves and other debris.
- Trim vegetation obstructing driveways or intersections to increase visibility of pedestrians and street signs.

Be neighborly - keep your sidewalk clear (BCC 14.05.010).

For more information, call the City of Bellevue Transportation Department at (425) 452-4856.

For technical information on how to properly prune, contact Bellevue’s Parks and Community Services Department, Resource Management Division at (425) 452-6855.
From 2007 through 2009, Bellevue will have spent more than $2 million to upgrade nearly 300 curb ramps citywide.
For More Information

The ADA Sidewalk and Curb Ramp Self-Evaluation Report is located at: http://www.bellevuewa.gov/accessibility-reports.htm

“Efforts such as those at the City of Bellevue, Washington, that rely on the collection of large datasets at extremely fine spatial and temporal disaggregation levels have the potential to significantly automate the identification of non-compliant locations in the field.”

NCHRP 20-07 Task 249

- Texas Transportation Institute
Thank you

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State DOT Transition Plans, Standards & Training

APBP Webinar
ADA Transition Plans
March 17, 2010
Craig Williams, AICP
What we’ll cover

- Guide for State Transition Plans
- Content & Best Practices
- Importance of Adopting Standards
- Importance of Training
- Bringing your staff and consultants on board
Transition Plan Guidance for State DOTs

• NCHRP Task 232:
  • Development of a Guide to Update ADA Transition Plans (FY 2006)
  • Final Document issued May 2009
      • http://144.171.11.40/cmsfeed/TRBNetProjectDisplay.asp?ProjectID=1247
• Surveyed all 50 states
Applicability to State DOTs

- The requirements of the ADA apply to all public entities or agencies, no matter the size.
- The transition plan formal procedures, as outlined in 28 C.F.R. section 35.150, only govern those public entities with more than 50 employees.
- This includes State Departments of Transportation (DOT) and the extensive public transportation systems that they manage.
- The development or updating of a Transition Plan is now an ongoing activity or a goal at many Departments.
- The principal challenge to State DOTs is the overall size and geographic extent of the facilities they manage. These can involve thousands of miles of public rights-of-way.
Transition Plans are required to cover all facilities under an agency’s control

- Including buildings that may be owned by the DOT, such as district offices, welcome centers, rest stops, airport terminals, and other types of buildings associated with transportation activities.

- Pedestrian facilities in DOT-managed public rights-of-way, such as sidewalks, pedestrian paths, curb ramps, street crossings, driveway crossings, crosswalks, median crossings, public transit stops, and pedestrian activated signal systems.
Transition Plan

elements

• Self evaluation
  • identify physical obstacles that limit the accessibility of facilities to individuals with disabilities

• Describe the methods to be used to make the facilities accessible

• Provide a schedule for making the access modifications

• Identify the public officials responsible for implementation

• Update periodically
  • until all accessibility barriers are removed

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>Possible Barriers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalk and Pathway Clear Width</td>
<td>Narrow, Below Guidelines</td>
</tr>
<tr>
<td>Sidewalk and Pathway Cross Slope</td>
<td>Steepness, Irregularity, Variability, Warping</td>
</tr>
<tr>
<td>Landings Along Sidewalks and Pathways</td>
<td>Less Than 4 feet by 4 feet</td>
</tr>
<tr>
<td>Sidewalk and Pathway Grade</td>
<td>Steepness, Angle Points</td>
</tr>
<tr>
<td>Materials and Finishes</td>
<td>Deterioration of Surfaces, Deterioration of Markings, Appropriateness of material (ex. Cobblestones)</td>
</tr>
<tr>
<td>Gratings</td>
<td>Grating Type, Grate Opening Orientation</td>
</tr>
<tr>
<td>Discontinuities</td>
<td>Missing Sections, Gaps, Drops, Steps</td>
</tr>
<tr>
<td>Detectable Warning System</td>
<td>Missing, Inappropriate Materials, Inadequate Size, Wrong Location</td>
</tr>
<tr>
<td>Obstructions</td>
<td>Signs, Mail Boxes, Fire Hydrants, Banches, Telephones, Traffic Signal Poles, Traffic Signal Controller Boxes, Newspaper Boxes, Drainage Structures, Tree Grates, Pole Mounted Objects, Standing Water, Snow or Ice</td>
</tr>
<tr>
<td>Traffic Signal Systems</td>
<td>Lack of Provision for the Visually Impaired such as APS, Inadequate Time Allowed, Inoperable Buttons, Inaccessible Buttons</td>
</tr>
<tr>
<td>Curb Ramp</td>
<td>Missing, Doesn’t Fall within Marked Crosswalk, Doesn’t Conform to Guidelines</td>
</tr>
<tr>
<td>Curb Ramp Flares</td>
<td>Missing Where Required, Too Steep</td>
</tr>
</tbody>
</table>
Steps to Compliance

(1) Designating an ADA Coordinator
(2) Providing notice to the public about ADA requirements
(3) Establishing a grievance procedure
(4) Developing internal design standards, specifications, and details
(5) Assigning personnel for the development and completion
(6) Approving a schedule and budget
(7) Monitoring the progress on implementation
The Importance of Adopting Design Standards

- AASHTO and MUTCD are guidelines for states to use
  - to determine best design
  - to direct what they should use in their own state or locality

- Standards are the backbone of ensuring better design

- Extremely important to update standards
Status of State DOT Compliance with PROWAG

- Access Board: 44 states are in substantial compliance with PROWAG
- Proactive example: Michigan DOT
  - APBP was asked to deliver Designing Pedestrian Facilities for Accessibility (DPFA) courses to MDOT staff
What prompted MDOT's action?

- Approached by Michigan Paralyzed Veterans of America (MPVA) (2005)
  - regarding MDOT’s sidewalk ramp standards
- MPVA had approached local agencies (via litigation) to comply with ADA requirements
- Local agencies would reply that they follow MDOT standards
What prompted MDOT’s action?

• MPVA reported that MDOT’s standards were silent on cross slope and counter slope.

• The partnering with MPVA prompted further investigation of ADAAG requirements and subsequently adoption of the Draft PROWAG principles.

• MDOT chose to update their standards based on these draft guidelines prior to FHWA’s 2006 endorsement of their use.
MDOT Sidewalk Ramp Details
The current version of MDOT's Ramp Standards can be found here: 
http://mdotwas1.mdot.state.mi.us/public/design/files/englishstandardplans/files/R028F.pdf
Status of MDOT’s Transition Plan

- Initial Transition Plan in place since 1994
- Recently updated plan:
  - Focus:
    - Current status
    - Curb ramp goals
    - Training efforts
MDOT Training Efforts

- In 2007, asked MDOT Non-motorized Technical Advisory Committee what training they wanted
- Asked for ADA/PROWAG training for each region
- MDOT created program to train staff
  - partnered with APBP to coordinate “Designing Pedestrian Facilities for Accessibility”
MDOT Training to Date

- Conducted 16 sessions in 14 locations
  - 10 sessions in 2008
  - 4 sessions in 2009
- Staff trained
  - 490 MDOT and
  - 70 local staff
Other
Michigan ADA Training

• MPO (Southeast Michigan) partner session
• City (Detroit) partner session
• Consultants - ACEC hosted two
Future training for MDOT?

- Surveys indicate need for more sessions
- Partnering with MPOs for 3 more in 2010
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(LYKAH = Leave Your Keys At Home)™

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kruppc@michigan.gov
Designing Pedestrian Facilities for Accessibility

- Newly updated!
- Increase your understanding of Public Right-of-Way Accessibility Guidelines (PROWAG) and FHWA ADA policies
- Take home useful resource documents

**Subjects Covered**
- Legal Policies
- Sidewalk Design
- Crossings
- Intersections
- Curb Ramps
- Construction
- Pedestrian Signals
- Maintenance
- Temporary Traffic Control

**Team Instruction**
- Trained APBP Instructor
- US Access Board instructor*
- Local ADA expert (if available)
  
  *Optional for additional fee

**Field Exercises**
- Walking audits
- Wheelchairs – experience slopes, cross-slopes, and ramps
- Vision graders – decision making about street crossing

**Classroom Interaction**
- Discuss best practices for new design and retrofits
- Group problem-solving exercise
- Compare local design standards

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Optimal class size
30 - 35 participants
1 day $3,750
1.5 day $4,500
For more information and scheduling, contact Julie Stelter
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262-385-1494

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Field exercise was an eye opening experience. Excellent use of slides and videos.”
- Houston-Galveston Area Council participant

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“An excellent course. Great insight into the needs ... of the pedestrian.”
- Idaho DOT participant