



# Americans with Disabilities Act Requirements for MPOs and Local Governments

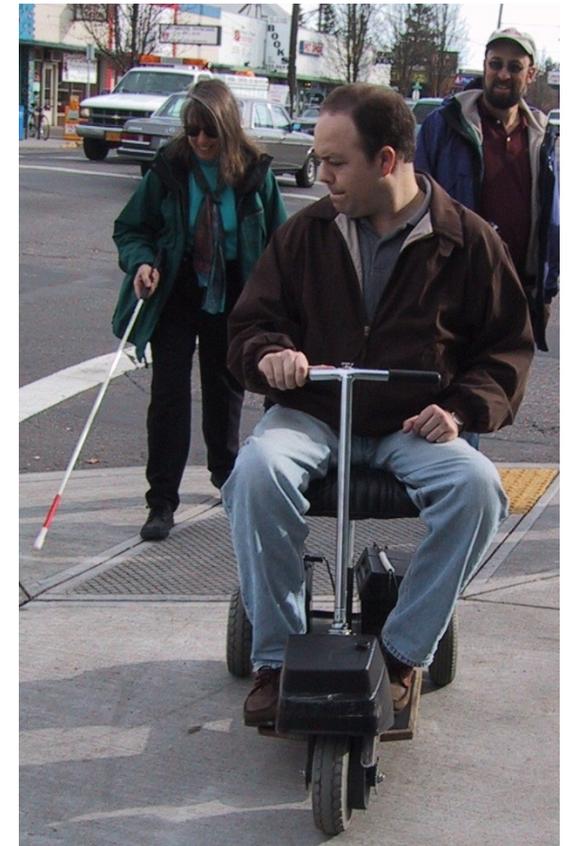
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## Introduction

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)





- 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.



# Characteristics of Pedestrians

## Introduction

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



# Examples of Movement Barriers

## Introduction



# Characteristics of Pedestrians

## Introduction

- 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

## Introduction



# Legal Background

## 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

## Introduction



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

# Title II - State and Local Governments

## Introduction

### Basic Requirements:

- Must ensure that individuals with disabilities are not excluded from programs, services, and activities (pedestrian facilities are an example of a program)



# Title II - State and Local Governments

## Introduction



### Basic Requirements:

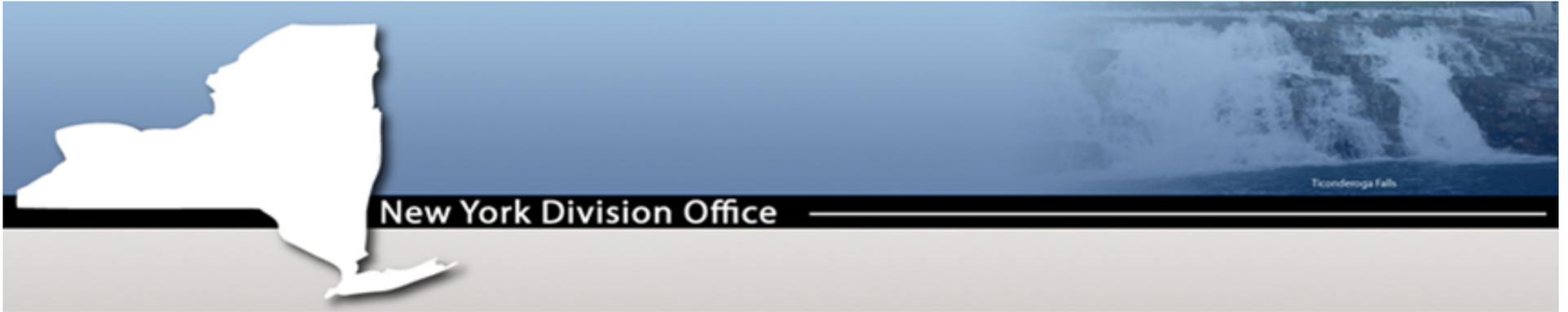
- Designate an ADA Coordinator
- Development & postings of an ADA Policy Statement
- Development & postings of Grievance Procedures/Complaint Procedures
- Complete a self-evaluation
- Development of a Transition Plan

# Self-Evaluation and ADA Transition Plan

## Introduction



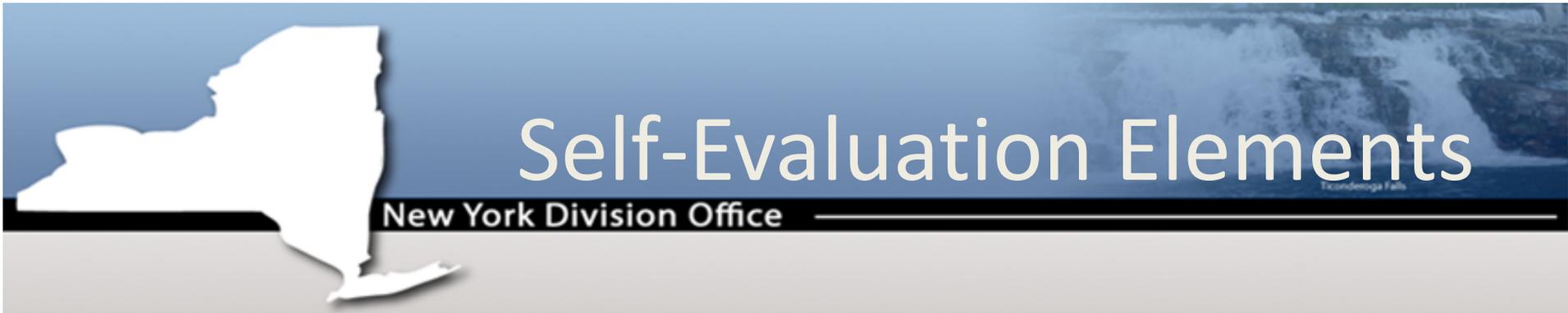
- Self-Evaluation
  - Purpose is to identify barriers in programs and activities that prevent persons with disabilities from access, 28 CFR 35.105
  - Inventory of those barriers in the pedestrian rights of way is key for FHWA
- ADA Transition Plan
  - Sets forth the steps necessary to complete structural modifications to existing facilities
  - Planning tool



# ADA TRANSITION PLAN REQUIREMENTS



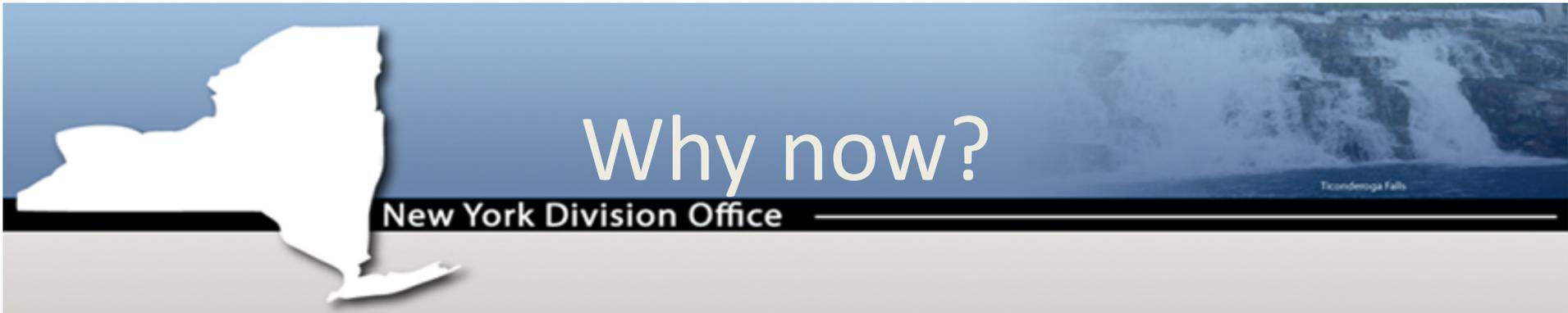
U.S. Department of Transportation  
**Federal Highway Administration**



## Pedestrian right-of-way facilities

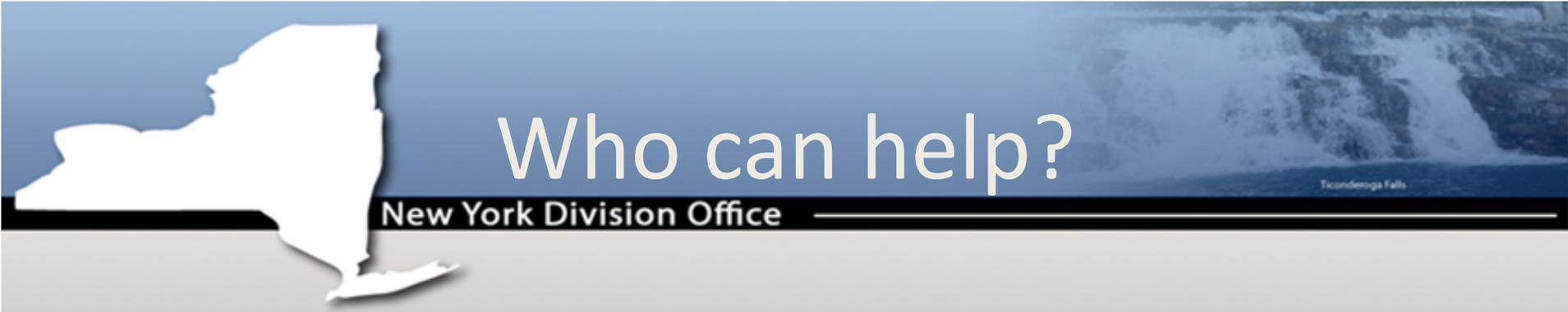
- Curb ramps (required)
- Sidewalks
- Parking lots
- Pedestrian signals
- Bus stops
- Shared use trails
- Parks/recreational facilities





- Increasing number of ADA complaints filed with FHWA nationally and NY Division
  - DOJ and Project Civic Access
  - Growing litigation due to lack of access
- 
- Ask yourself: Does my agency have a Plan?





- FHWA NY can provide guidance and training, ask us to email you resources
- MPOs
  - Establishing an ADA Work Group
  - Support network and cohesive initiative
  - Public outreach and planning expertise
- Counties
  - Can help in similar ways to MPOs, plus coordinate and work together on self-evaluation





- FHWA published guidance for State DOTs on the minimum attributes for acceptable Transition Plans
- FHWA does not currently approve local agency Transition Plans, each municipality is independently responsible to fulfil this requirement
- Goal is to be in progress with your plan



Transition Plan Attribute	Review Comments
<p><b>Official responsible</b> for implementation of the TP, i.e., Executive Director, Secretary, Commissioner, Chief Engineer, etc. 28 CFR 35.150(d)(3)(iv)</p>	
<p><b>Inventory of barriers</b> (identification of physical obstacles) 28 CFR 35.150(d)(3)(i); 28 CFR 35.105 (a) – State demonstrates good faith by identifying intersection information, including curb ramps and other associated accessibility elements, as a starting point and showing movement and commitment toward developing a full inventory.</p> <p>Require an Action Plan to develop an inventory of sidewalks (slopes, obstructions, protruding objects, changes in levels, etc.), signals (APS), bus stops (bus pads), buildings, parking, rest areas (tourist areas, picnic areas, visitor centers, etc.), mixed use trails, linkages to transit.</p> <p>Best practice - have discussion of jurisdictional issues/responsibilities for sidewalks</p>	
<p><b>Schedule</b> – Show a strong commitment toward upgrading ADA elements identified in the inventory of barriers in the short term (planned capital improvement projects) and a strong commitment over time toward prioritizing curb ramps at walkways serving entities covered by the ADA. 28 CFR 35.150(d)(2) This would also include prioritization information, planning, and investments directed at eliminating other identified barriers over time. 28 CFR 35.150(d)(3)</p> <p>Best practice - dedicate resources to eliminate identified ADA deficiencies</p>	
<p>Describe in detail the <b>Methods</b> that will be used to make the facilities accessible. 28 CFR 35.150(d)(3)(ii)</p> <p>Best practice – include the Standard that the STA is following (i.e., 2010 ADAAG, 2011 PROWAG)</p>	



NYSDOT Local Aid Manual (PLAFAP) Chapter 13 contains an ADA Transition Plan template as an appendix

- <https://www.dot.ny.gov/portal/page/portal/plafap/view-document?id=1423>





# Self-Evaluation -Who?

New York Division Office

- Identify a person in charge of the Transition Plan effort (may not be the ADA Coordinator)
- Inventory
  - Consultant
  - DPW
  - Interns and students (best practice and a win-win-win for the local agency, university, and students)
  - Volunteers (consider advocacy groups, retirees, etc.)





# Self-Evaluation: What?

New York Division Office

Ticonderoga Falls

- The “most daunting part” and potential stalling point
- Start with determining what you own
  - Coordination with State, County, Towns, Villages, etc.
  - Ordinances and agreements with property owners
  - Agreements with transit providers





- Can “chunk” the effort if you have many facilities to inventory
  - Start with curb ramps and sidewalks, then move on to bus stops
  - Start with center of town, move out





# Self-Evaluation – How?

New York Division Office

## Data Organization

- GIS: NYSDOT
- ACCESS: Indiana MACOG
- Excel: PLAFAP Manual
- Pen and paper: Lyons
- Apps: SAPFIM

## Data Collection

- Field review
- Video logs or “Google/BING style street view”
- Combination of the two



# Sample: NYSDOT Rating System

- Rating 1 - Not Applicable: A facility not considered to require accessibility, for example, limited-access highways, no sidewalk present.
- Rating 2 - Not Accessible: Significant discontinuity such as steps, no ramps, more than 100 feet of unpaved walkway, heaving, vertical displacement, other severe distress, flooding.
- Rating 3 - Partially Accessible: Not designed to current standards, for example, problems with geometry of sidewalks, ramps and landings, no detectable warnings, handrails.
- Rating 4 - Accessible: May need additional improvements, such as no detectable warnings at curb ramp locations, insufficient width.
- Rating 5 - Fully Accessible: Designed to current standards, presence of detectable warnings at curb ramp locations.



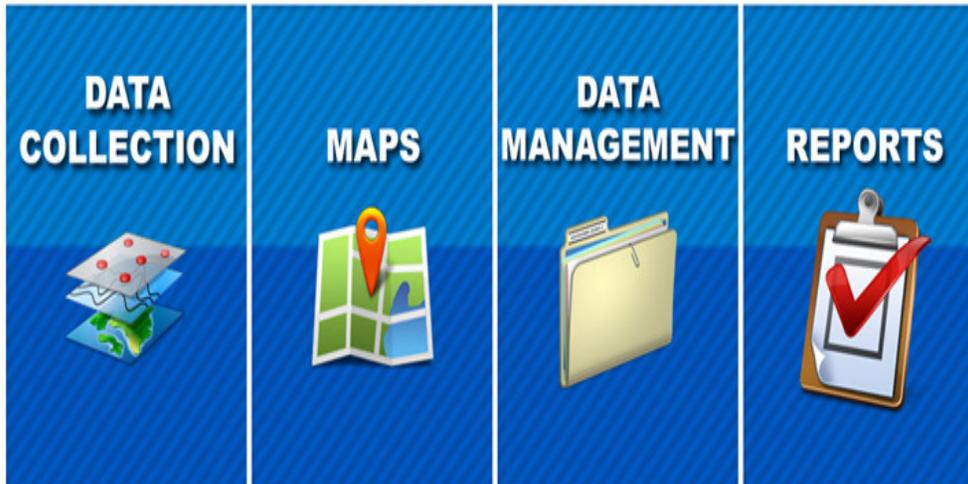
- Created by Florida International University using an FHWA T2 grant
- For use on tablets/smart devices
- Anticipated public availability April 2017
  
- **FREE TO ALL LOCAL PUBLIC AGENCIES**
- Kara Hogan, FHWA NY is the coordinator for the Northeast states for SAPFIM





- Benefits:
  - GIS provides key points of public interest for prioritization
  - GPS location enabled
  - Includes safety data
  - Photos taken and saved during assessment
  - Reports generator for the public
  - Field users simply enter data, they don't assess it (AKA the app is usable by everyone)





Sidewalk  Ramp  Crossing

Sidewalk Width:  feet

Cross-Slope:  percentage

Vertical Change:  
(joint or crack)  inches

Obstruction in Sidewalk:

Lighting:  Yes  No

Tripping Hazard/Change  
in Level:  inches

Material:

Condition:

Notes:





- Prioritize based on “worst first” by location
- Regularly occurring program
  - Ex. 10 curb ramps/year for 5 years

Access Grade	Location Priority		
	1	2	3
	Locations serving <i>(e.g., Government Facilities)</i>	Locations serving <i>e.g., Commercial &amp; Employment Centers</i>	Locations serving Other Areas
2	1	2	3
3	1	2	3
4	1	2	3
5	1	2	3

Priority Rank Levels

High	Medium	Low
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- Transition Plan is a “Living Document”
- Update it regularly, perhaps annually
  - Take credit for the updates made
  - Include any changes due to storms, snow plows, tree roots, street furniture, landscaping, etc.

