

UNH T² Center Technical Note

Americans with Disabilities Act

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Introduction

The Americans with Disabilities Act (ADA) was designed to stop discrimination on the basis of disability in four areas. These areas are:

1. Employment,
2. Public Services (and Public Transportation),
3. Public Accommodations (and Commercial Facilities), and
4. Telecommunications.

ADA aims to remove barriers that obstruct disabled people from their civil right of accessibility to public areas and facilities. This includes providing accessibility to sidewalks through the use of curb ramps and taking measures to provide the visually impaired with indicators of boundaries between the road and sidewalks with truncated domes.

The 1990 law, applies to programs, activities, and services provided by public entities. A public entity is defined as any state, local government, or any department, agency, special purpose district, or other instrumentality of a state



These truncated domes aren't set correctly, they must span the curb cut width.

or local government. The ADA requires public entities, with more than 50 employees, who are responsible or have authority over streets, roads, or walkways to create a transition plan to prioritize and provide for accessibility. The need to provide pedestrian facilities falls into one of three categories:

1. Agencies must establish pedestrian ways in all new construction or reconstruction projects.
2. Public agencies are not required to provide pedestrian facilities. However, if they exist, then they must be acces-

sible.

3. Access is not required where pedestrians are prohibited (by law) to use the roadway, or the cost is infeasible, or no need exists for a sidewalk because few people will use it.

Local governments who have failed to comply with ADA regulations have been successfully sued. Providing accessibility is a personal, social, and professional responsibility.

Why Compliance is Important

Many believe that compliance with ADA is not necessary as only a small number of persons require access to their facilities. This is untrue as more than 70% of the U.S. population will experience a permanent or temporary disability. Today, 20% of Americans over the age of 15 are disabled. This is reflected by our aging population. They wish to maintain their mobility by utilizing wheelchairs, motorized scooters, walkers, and other means of assisted transportation.

Agencies may believe that they should not have to provide accessibility for the disabled at their own expense since the ADA is an unfunded mandate. The US Supreme Court has widely rejected any form of discrimination in the United States.

How to Comply

ADA provisions require compliance on any and all new public construction. Improvements that alter the roadway must include the installation of accessible curb ramps. Projects that change either

- structure,
- grade,
- function, and/or
- use of the roadway

are considered alterations. These include projects such as

- pavement resurfacing,
- pavement grinding, and
- micro-surface overlays.

They do not include maintenance (spot patching, restriping existing markings, or thin coat sealing).

The federal government acknowledges that many public agencies have limited budgets. Agencies are expected to have a transition plan to accomplish and prioritize ADA requirements. The transition plan becomes a commitment to achieve accessibility to existing facilities when they require structural changes.



Don't install a new curb without truncated domes.

Transition plans for building access may be prioritized by the necessity of public entrance to high priority building such as: court houses, town/city halls, schools, and hospitals. These require adaptation to the guidelines immediately. Stores, malls, parks and other recreational facilities are considered medium to low priority and should adopt a transition plan to meet the ADA regulations within a few years.

Sidewalks

The American Disability Act Accessibility Guidelines (ADAAG) defines many design controls for accessibility standards in sidewalks. These include specifications of:

- Alignment,
- Width,
- Grade Changes,
- Profile Slope, and/or
- Cross Slope.

Sidewalks must be free of obstacles that may pose a tripping hazard or force pedestrians into the roadway such as utility poles, trees, lights, signs, signals, and mailboxes. Agencies must remove these from the sidewalk or create a path around them.

Sidewalk recommendations are 48 inches wide with a 60 inch passing zone every 200 feet. A sidewalk may not have a cross (side) slope greater than 2% (50:1), or a profile (longitudinal) slope greater than 5% (20:1). The profile grade may follow the slope of the adjacent roadway.

Sidewalks must be of a smooth, firm, stable, and slip resistant material such as concrete or asphalt and visually contrast the road. Sidewalks must be well maintained to prevent roughness.

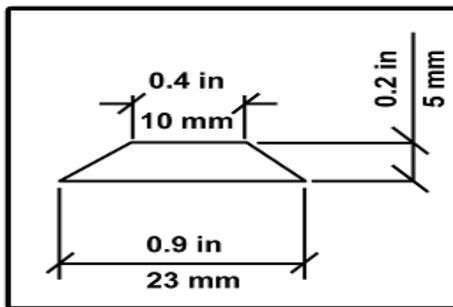
Driveway entrances must not have a cross slope greater than 2%.

Where crosswalk signals exist, there must be a level pad at least 36 inches long and 48 inches wide (recommended 48 x 48) to accommodate wheelchair users. It allows them to turn and change direction on the pad.

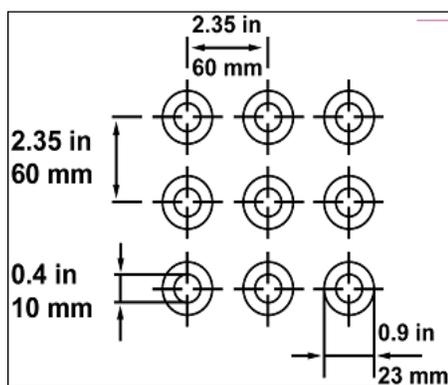
- Drops from sidewalk to roadway of 1/4 inch are allowed to be vertical without treatment.
- Drops between 1/4 and 1/2 inch must be beveled with a maximum grade of 50%.
- Drops greater than 1/2 inch require a curb ramp for accessibility at all intersections and designated crossings.

Curb Ramps

Curb ramp grades are not to exceed 12:1 (8.33%). Curb ramps must include a warning detectable by the visually impaired. The ADA mandates that these detectable warnings must be truncated domes and span the entire curb ramp. The New Hampshire



Left: Truncated Dome Dimensions



Left: Truncated Dome Spacing

Department of Transportations (NHDOT) is currently using cast iron domes to reduce damage due to rust and plows.

Public Buildings

Entrances to public buildings must be part of an accessible route connected to:

- parking lots,
- public transportation stops, and
- public roads and sidewalks.

Regulations to provide accessible water fountains, restrooms/stalls, handrails, public showers, and light switches are on-line. <http://www.access-board.gov/adaag/html/adaag.htm#DETENTION>.

Regulations are prioritized as follows:

1. Accessible entrance into the facility,
2. Access to goods and services,
3. Access to restrooms, and
4. Any other measures necessary.

Public buildings, particularly courthouses and town halls, with multiple floors and publically accessed MUST have an elevator. This is an immediate mandate rather than a project to include a transition plan.

Transition Plans

Transition plans are a budget-conscious method to meet the ADA requirements. (See the Code of Federal Regulations (28 CFR Part 35)). They must involve the public and shall be available for public inspection.

When public entities have authority over streets, roads, or walkways, the plan must involve a schedule to install accessible curb ramps. Transition plans should:

1. Identify physical obstacles in the public entity's facilities limiting the accessibility of its programs or activities to individuals with disabilities.



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2. Describe in detail how the facility will be made accessible.
3. Specify a schedule to take the steps towards compliance. When the plan is longer than one year, it must identify the steps that will be taken during each year of the plan.
4. Indicate the official responsible for plan implementation.

It is the public agency's responsibility to routinely maintain all accessibility measures. This includes maintaining the quality of the measures as well as day-to-day maintenance such debris removals, maintenance of accessible pedestrian walkways in work zones, and clearing snow from walkways.

The FHWA is responsible to ensure that all public agencies comply with the ADAAG. They are also responsible to ensure compliance in projects receiving funding from FHWA. Even if they are not in the public right-of-way. This includes parking lots, information centers, buildings, shared use paths, and trails.

An on-line toolkit from the Department of Justice identifies barriers to accessibility and methods to remove barriers: <http://www.usdoj.gov/crt/ada/pcatoolkit/abouttoolkit.htm>

Cost and Feasibility Restraints

The ADAAG states that features within a facility under alteration shall be made accessible as part of the project's scope. When conformity is technically infeasible, the project need not comply. Technical infeasibility means that conforming might require moving or altering a load-bearing member. Such cases are still required to provide accessibility to the maximum extent possible and are subject to inspection.

Cost cannot be a factor to comply according to ADAAG standards. Public agencies must bear the full cost of improvements. Again, projects are exempt if technically infeasible or if the improvement is "unduly burdensome." Consider whether stand-alone projects should be undertaken as part of a transition plan. A public agency may wait on a stand-alone accessibility improvement until it fits into their budget or there is an improvement project which would require an alteration.



Left: An inaccessible entrance to a public building. When rehabilitating this building compliance is necessary.

Unduly burdensome projects are determined by the proportion of the improvement's cost compared to the agency's budget.

Some federal funding sources may be used to comply with ADA depending on the project. A full list of sources of funding that may be used for compliance is available at http://www.fhwa.dot.gov/civilrights/ada_qa.htm

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