

Accessibility in the Public Right of Way

June 30, 2020



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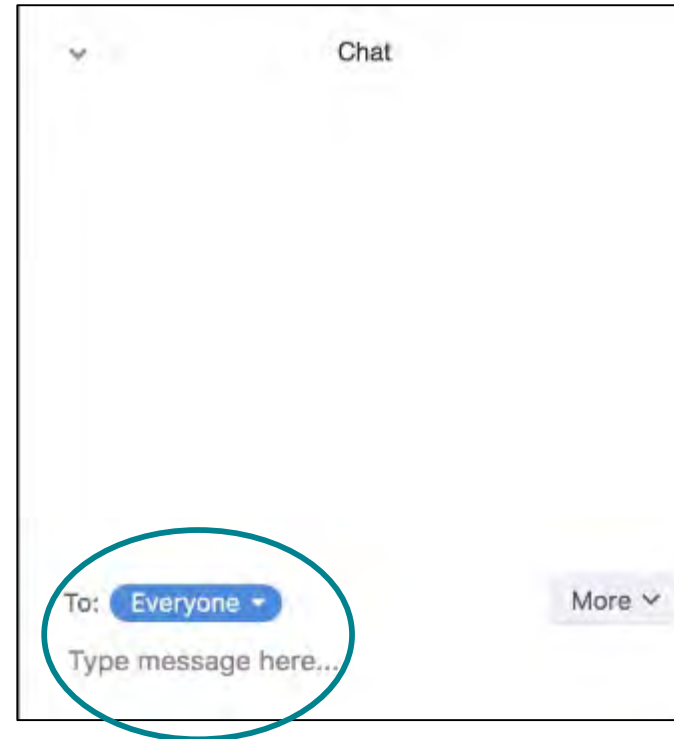
Daniel Schmitt, PLA, CPSI
Landscape Architect

Webinar Outline

- Zoom Webinar Tips
- Intro to MSA
- Introduction to Accessibility in the Public ROW (build this out by topic/section)
- Open Forum

Recap

- Webinar is one hour and is being recorded
- All participants are muted until the open forum
- Type your questions in the Chat



FIRM OVERVIEW



100%
EMPLOYEE-OWNED



ENABLING PEOPLE TO
POSITIVELY IMPACT
THE LIVES OF OTHERS
SINCE 1962.



63 INDUSTRY
AWARDS SINCE 2010



\$500+ MILLION GRANTS
AND LOW-INTEREST LOANS



350+ TEAM
MEMBERS IN 17
OFFICES



IT'S MORE THAN A PROJECT.
IT'S A COMMITMENT.

Disclaimer

- This presentation is intended as an overview of current Accessibility rules and regulations as they relate to the Public Right-of-Way.
- References and rules shown are current to the best of our knowledge, all standards should be verified before implementation or policy modification.



Introduction to Accessibility

Why is this important to my community now?

COVID-19 Pandemic

Increased Usage

100% of city/community trails are open.

•Iowa Park and Recreation Association survey April, 2020

2 in 3 park and recreation leaders report increased usage of their agency's parks compared to this time last, while more **than 80 percent** report **increased usage of their trails.**

•National Recreation and Park Association May 27-29, 2020
Survey of park and recreation leaders

The total number of Divvy **check-outs doubled** from 40,078 to 82,112 from the year prior from March 1-11.

•Chicago Department of Transportation

Minnesota Department of Transportation show a **51% increase in walking** and bicycling in the metro area over the past five weeks.

•Tim Harlow, Star Tribune April 26, 2020

World cities **turn their streets over to walkers** and cyclists

•<https://www.theguardian.com/world/2020/apr/11/world-cities-turn-their-streets-over-to-walkers-and-cyclists>

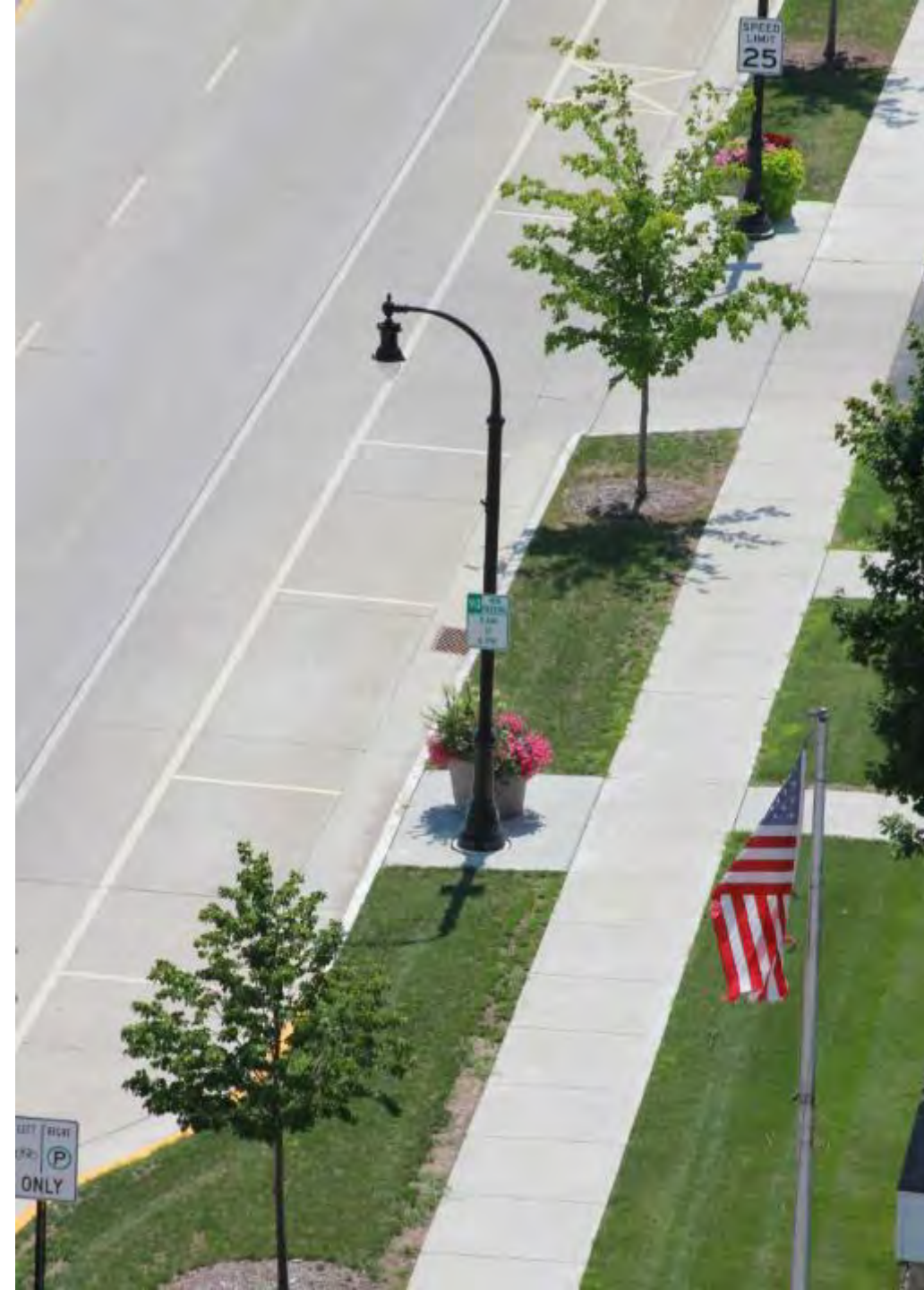
Why is this Important to my Community Now?

Compliance

- March 15, 2012 date for compliance with 2010 ADA standards.
- **Project Civic Access** – 221 Settlement Agreements since 1999
 - Source: <https://www.ada.gov/civicfac.htm>
- The Illinois Attorney General's office has indicated that a licensed engineer/architect who knowingly signs a design not meeting these requirements risks disciplinary action.
 - Source: IDOT ADA PROWAG District Training, December 2019
- Without a transition plan – your communities are at risk.

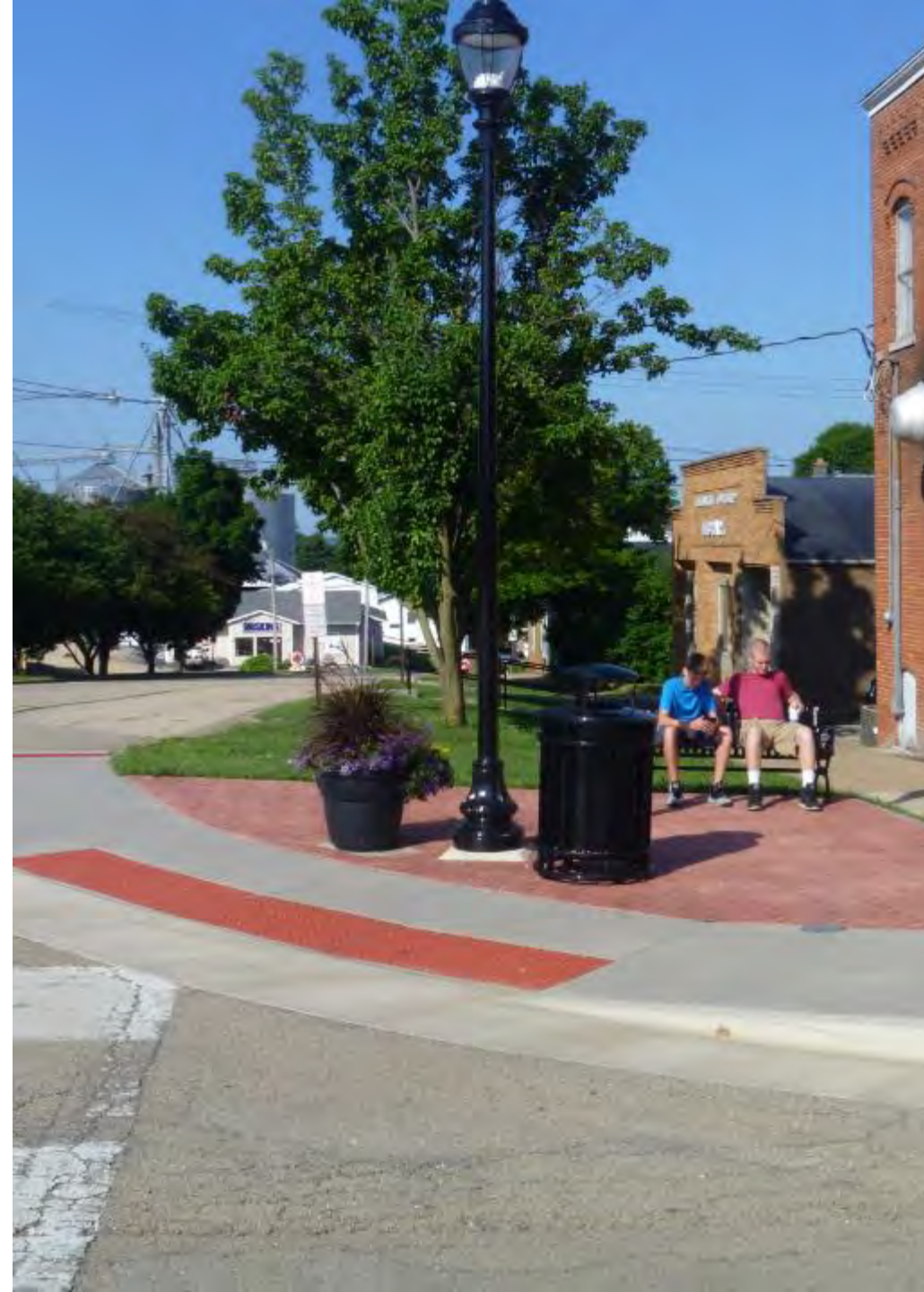
Laws

- Architectural Barriers Act (ABA) of 1968
- Section 504 of the Rehabilitation Act of 1973
 - Enforced by US DOT (FHWA)
- Americans with Disabilities Act (ADA) of 1990
- ADA Amendments Act (ADAAA) of 2008
 - ADA is administered and enforced by the Department of Justice
 - **Title II – State and Local Government**
 - Title III – Private Sector
 - PROWAG (Draft Guidelines 2011)
 - Shared Use Paths (Supplemental Notice of Proposed Rulemaking 2013)
- State and Local Codes (ex. IL Accessibility Code)
- ANSI/IBC if stricter than ADA



Public Right-of-way Accessibility Guidelines - PROWAG

- Published in the *Federal Register* on July 26, 2011.
- Must still be adopted by US DOJ and US DOT; however, **recommended** as best practice.
- **Proposed Guidelines adopted fully or in part by MN, IA and IL**
- On February 13, 2013, notice to supplement issued to address **shared use paths**.



PROWAG

What is covered by PROWAG?



Pedestrian Access Routes

- Sidewalks
- Shared use paths
- On-street parking spaces
- Stairways, ramps, and escalators
- Doors/doorways, and gates



Features and Obstructions

- Street furniture
- Transit stops and shelters
- Handrails
- Landscaping
- Signs and Lamppost



Crossings

- Curb Ramps
- Accessible signals and push buttons
- Pedestrian street crossings
- Signs

Compliance

ADA Title II

- Not every **existing facility** must be fully accessible.
- **Alterations** trigger compliance with accessibility guidelines to maximum extent feasible.
- All **new** projects must meet current accessibility guidelines.



Are you required to bring existing public right-of-way into compliance?

No
(maintenance)

- Chip Seal
- Crack Filling & Sealing
- Dowel Bar Retrofit
- Joint Cracks
- Pavement Patching
- Slurry Seals
- Surface Sealing
- Seals/Repairs

Yes
(alteration)

- New Layer of Asphalt
- Microsurfacing
- Mill & Fill
- Open-graded Surface Course
- Mill & Overlay
- New Construction
- Rehab & Reconstruction
- Resurfacing & restriping parking lot

Enforcement

Title II

Enforcement through complaints filed by individuals (or their agent) through:

- Grievance procedure
- Federal agency (must be filed within 180 days of alleged discrimination)
- Lawsuit*
 - *Proposed legislation, “ADA Education and Reform Act of 2017”, could alter how litigation is handled. Stay tuned.

Compliance & Funding

Compliance can be requirement of funding sources:

- FHWA
- DOT
- DNR

Exceptions

Determination for exception **MUST** be documented

1. Compliance is **not practicable** due to terrain.
2. Compliance cannot be accomplished with the **prevailing construction practices**.
3. Compliance would **fundamentally alter the function or purpose** of the facility or the setting.
4. Compliance is limited or precluded by any of the following laws:
 - Endangered Species Act
 - National Environmental Policy Act
 - National Historic Preservation Act
 - Wilderness Act
 - State and Local Environmental/Historical Protection Laws

Exceptions



Illinois Department

of Transportation

ADA Statement of Maximum
Extent Practicable

Route		Street		Marked	
Contract #		State Job #		Section	
County		Municipality			
Project Limits					
Project Length					
Estimate of Cost					
Type of Project (e.g. SMART, 3R, Reconstruction)					
Brief Project Description					

DOCUMENTATION OF MAXIMUM EXTENT PRACTICABLE (MEP)

Location(s) Where MEP is Requested			
Design Element for Which MEP is Requested and Proposed Element Value			
Design Element Policy Value			
Coordination Meeting Date			
Prepared by		Date	

Specify and Explain Reason(s) why Full Compliance is Infeasible

☐

Structural (e.g. bridge beams, buildings, basements, foundations)

☐

Historic Preservation (e.g. historic buildings, districts, monuments)

☐

Topography (e.g. steep existing road grade exceeds ADA compliant maximum)

☐

Utilities (Project scope would not otherwise require utility relocation)

☐

Right-of-Way (Project scope would not otherwise require R.O.W.)

☐

Other

Discuss Alternatives Considered (Attach supporting documentation, e.g. plan and profile sheets, photos)

APPROVAL/DISAPPROVAL

BDE Approval Date		BDE Disapproval Date	
		BDE Comments on Disapproval	



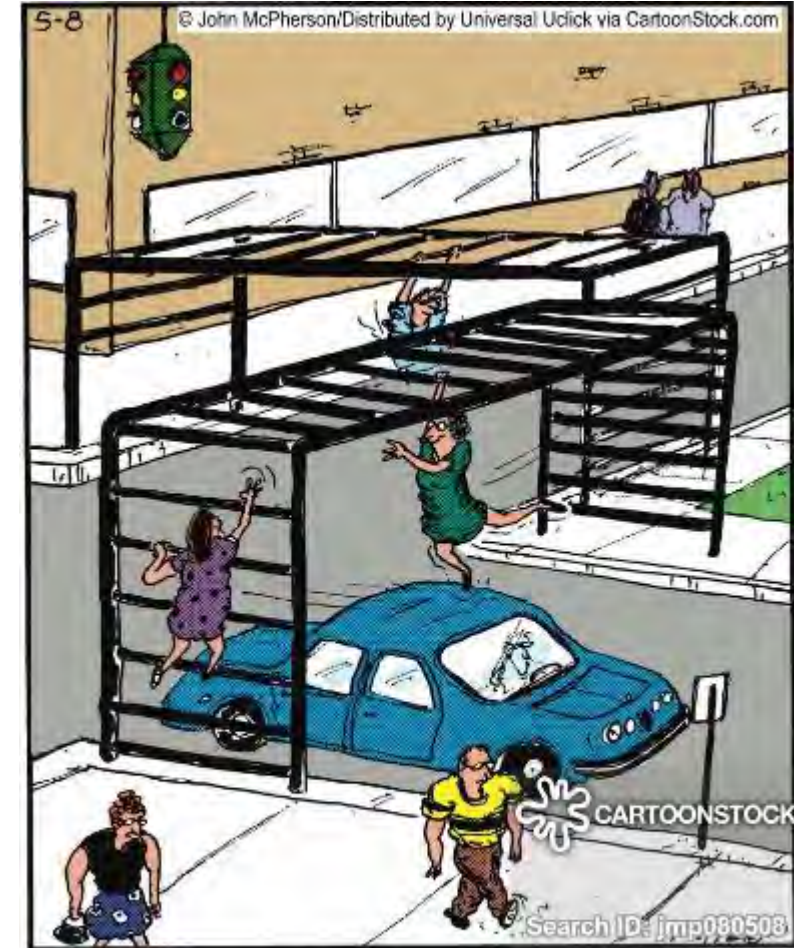


Design

Covered Sectors

Public Right-of-Way

- Pedestrian Access Routes
- Shared Use Paths
- Curb Ramps
- Pedestrian Street Crossings
- Traffic Signals
- Transit Facilities
- On-Street Parking
- Site Furnishings



Billgeville's new pedestrian monkey bars not only reduced accidents but also whipped people into great shape.

Access Routes

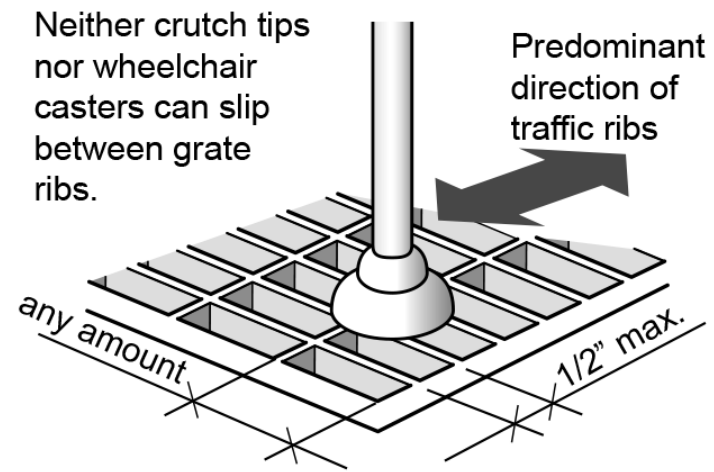
Section 302/303/403 R302.7

“ *An accessible route is a pathway specifically designed to provide access for individuals with disabilities, including those using wheelchairs or mobility devices.* ”

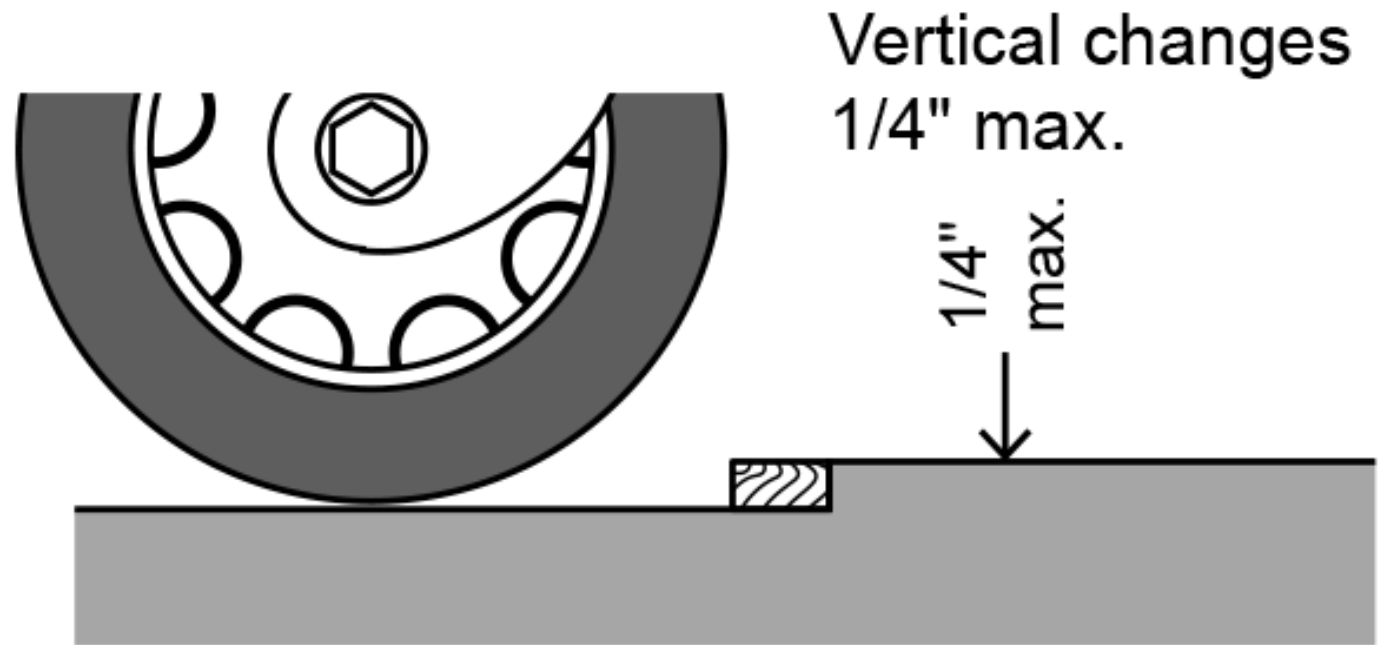
<https://www.access-board.gov/>

Access Routes – Openings and Lips

Section 302/303/403 R302.7



Grate Opening in Pedestrian Travel Direction



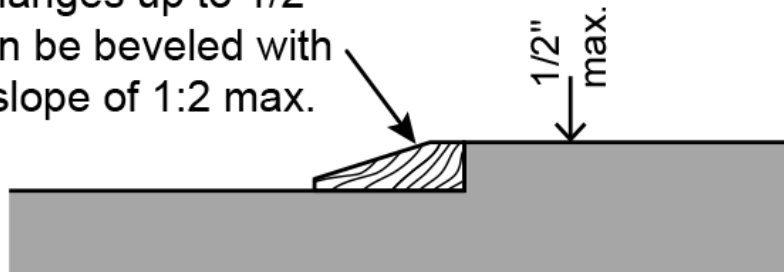
Access Routes – Openings and Lips

Section 302/303/403 R302.7

Cutting and Grinding

- $\frac{1}{4}$ - $\frac{1}{2}$ " displacement can be tapered at 1:2 (v:h)
- $> \frac{1}{2}$ " must be sloped at no more than 8.33% (becomes a ramp) for up to 6" vertical change.

Changes up to $\frac{1}{2}$ "
can be beveled with
a slope of 1:2 max.



Small Abrupt Vertical Changes

[Image: US Access Board](#)



Access Routes – Surfaces

Section 302/303/403 R302.7

Surface Must Be: Firm, Stable, and Slip Resistant



Shared Use Paths

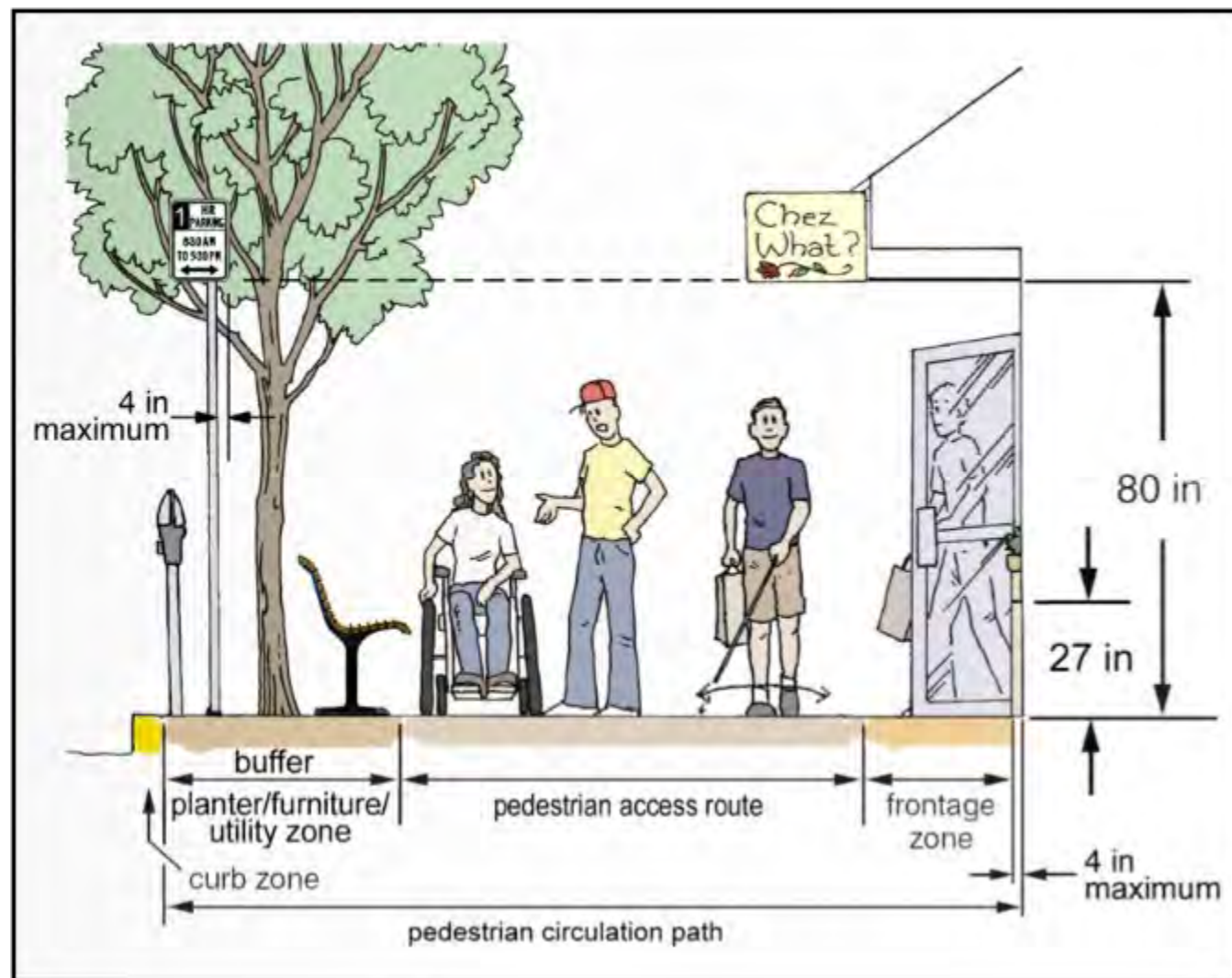
Section 302/303/403 R302.7



Common Failures

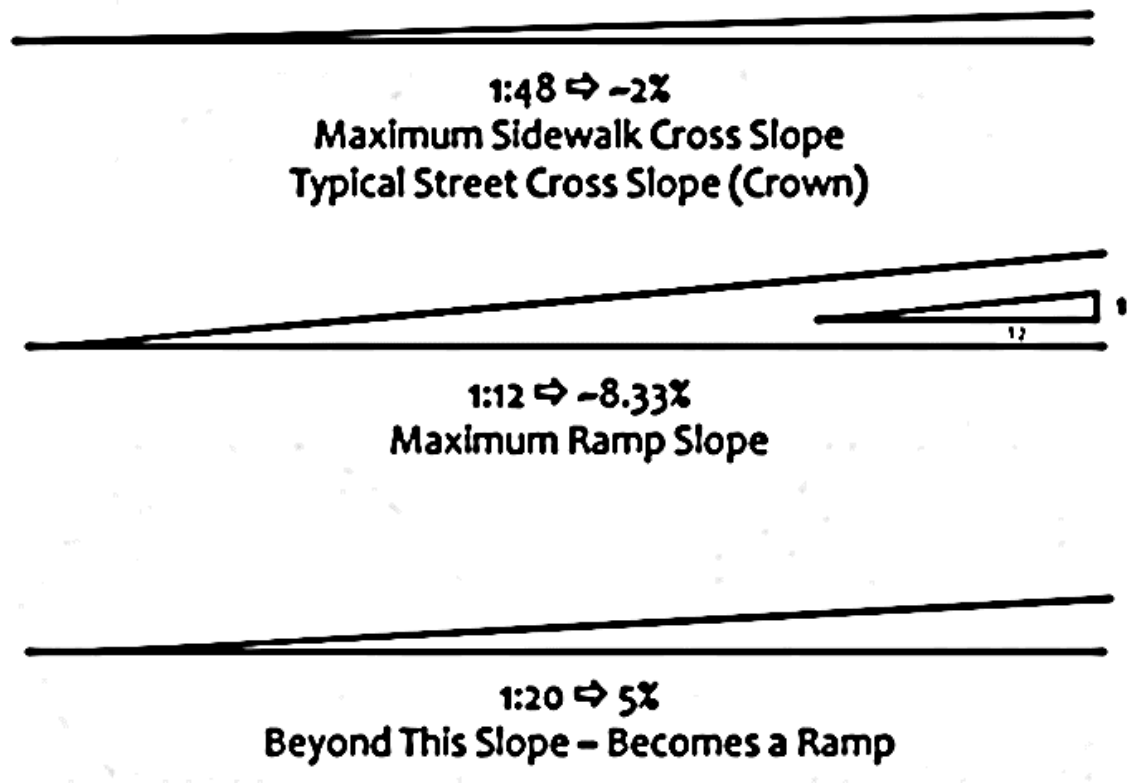


Obstructions



Access Routes – Slopes

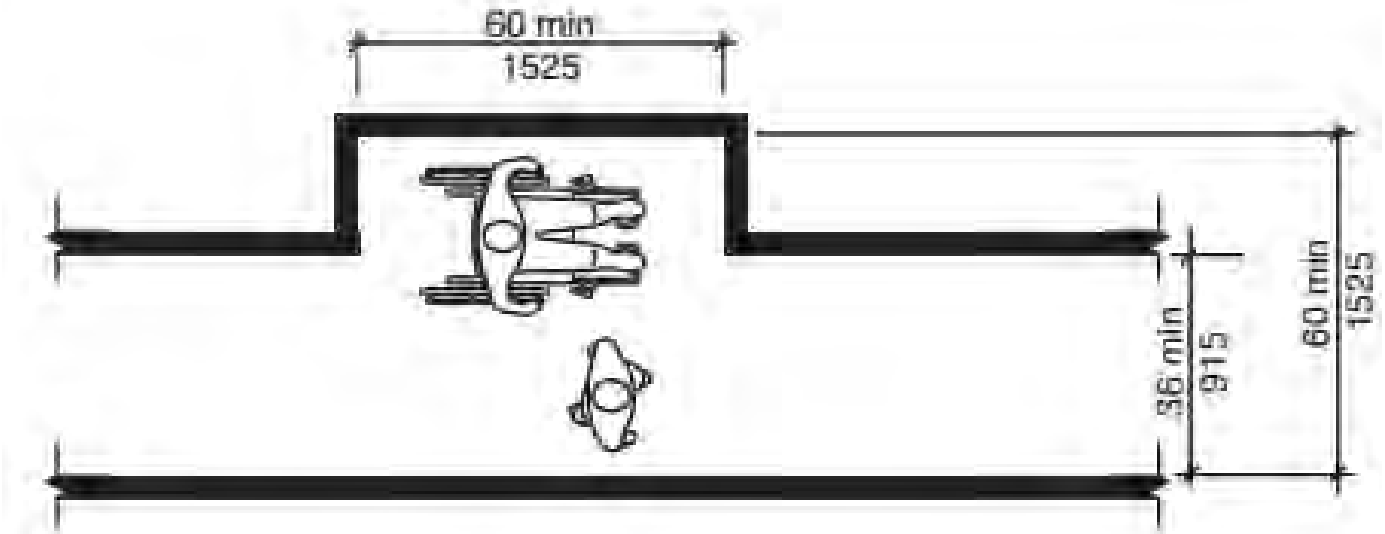
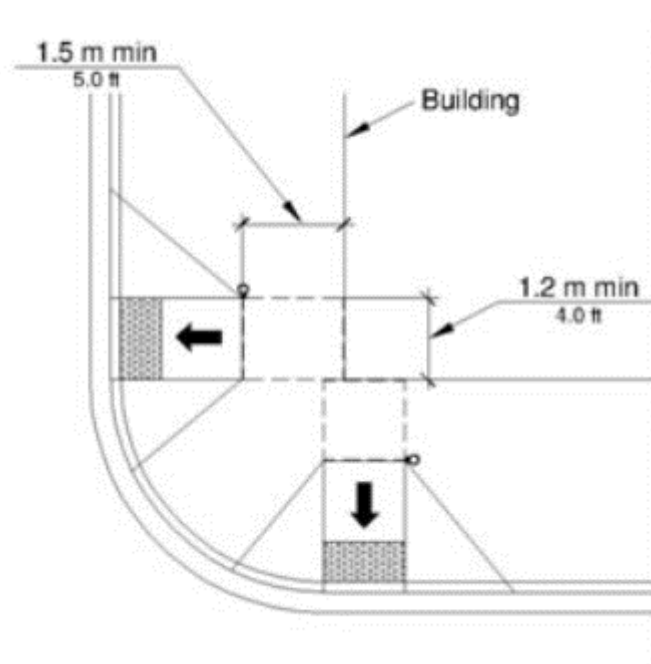
Section 405 R302.5



Access Routes – Clear Width/Passing Area

Section 403 R302.5

- PROWAG – 4' (48") MIN. (ADA - 36")
- 5' wide sidewalk and paths do not need passing areas
- If path is < 5' width need a 5'x5' turning area every 200' of length



[Images: US Access Board](#)

Access Routes – Driveways



Access Routes – Rail Crossings/Flangeway Gaps

Section R302.7.4

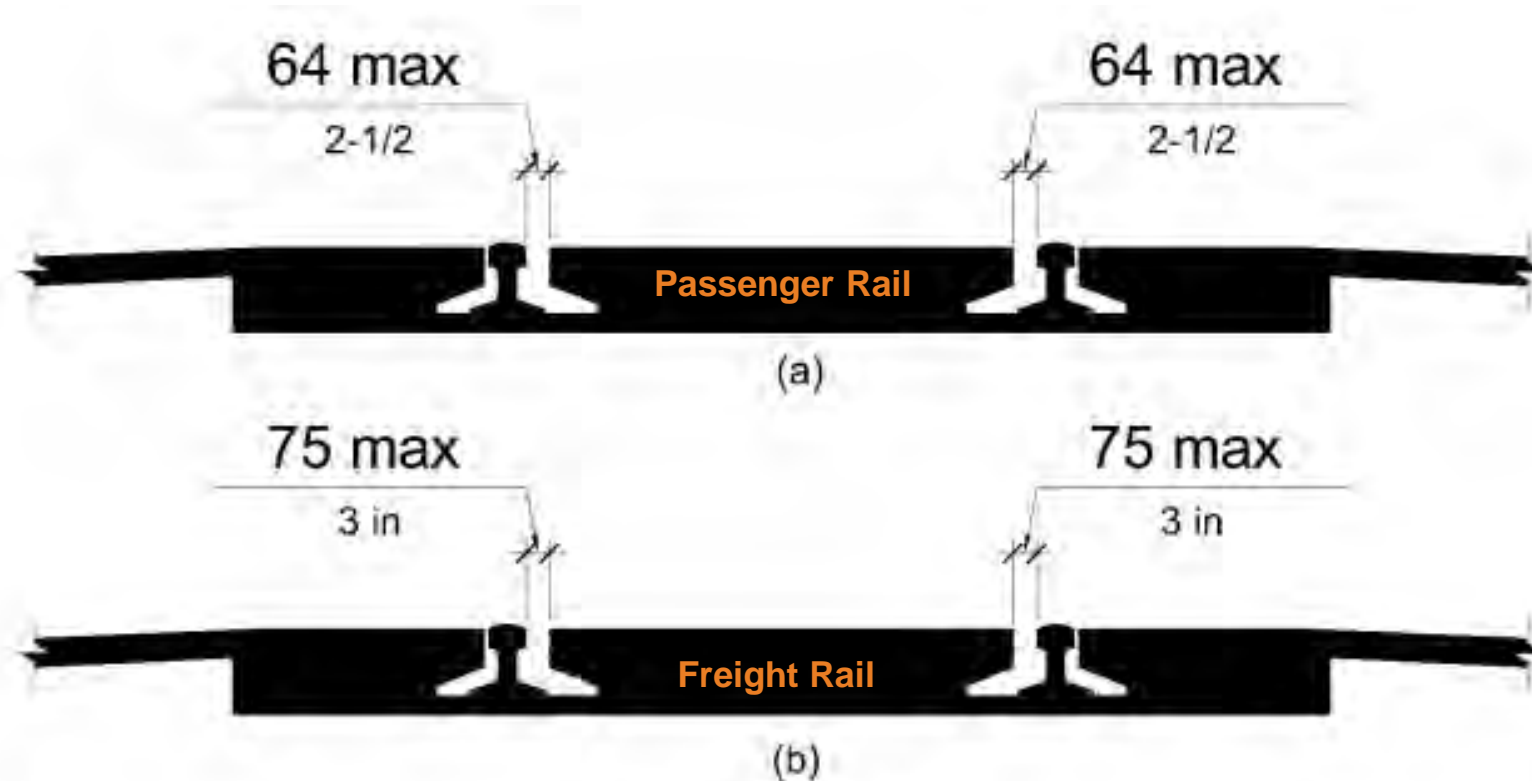


Figure R302.7.4
Flangeway Gaps

Access Routes – Rail Crossings

Section R305.2.5

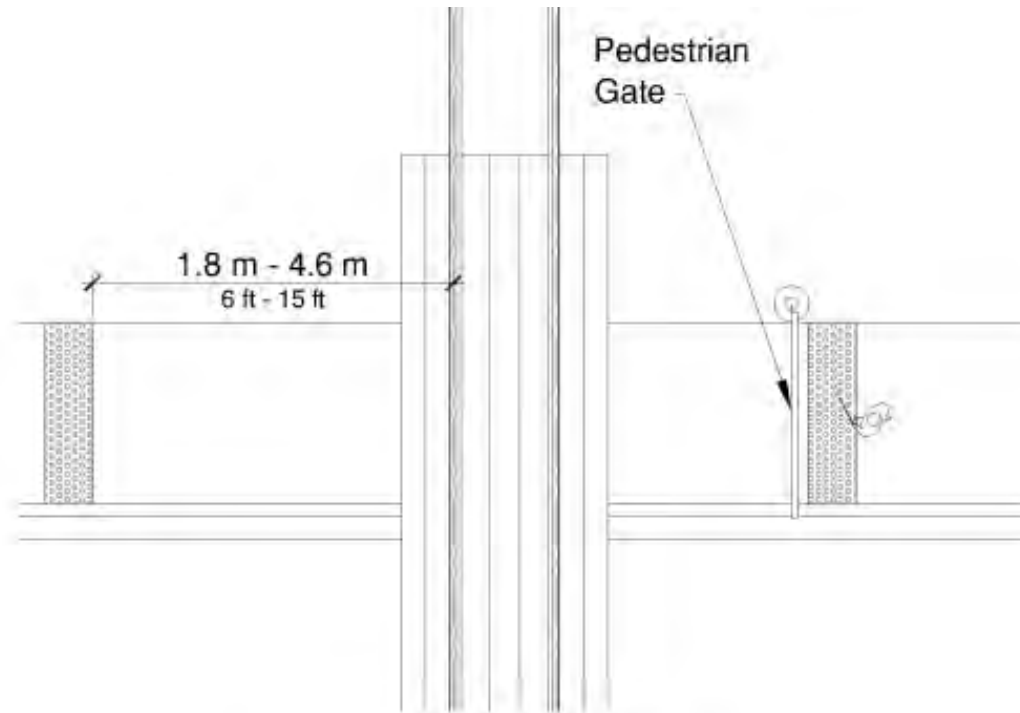
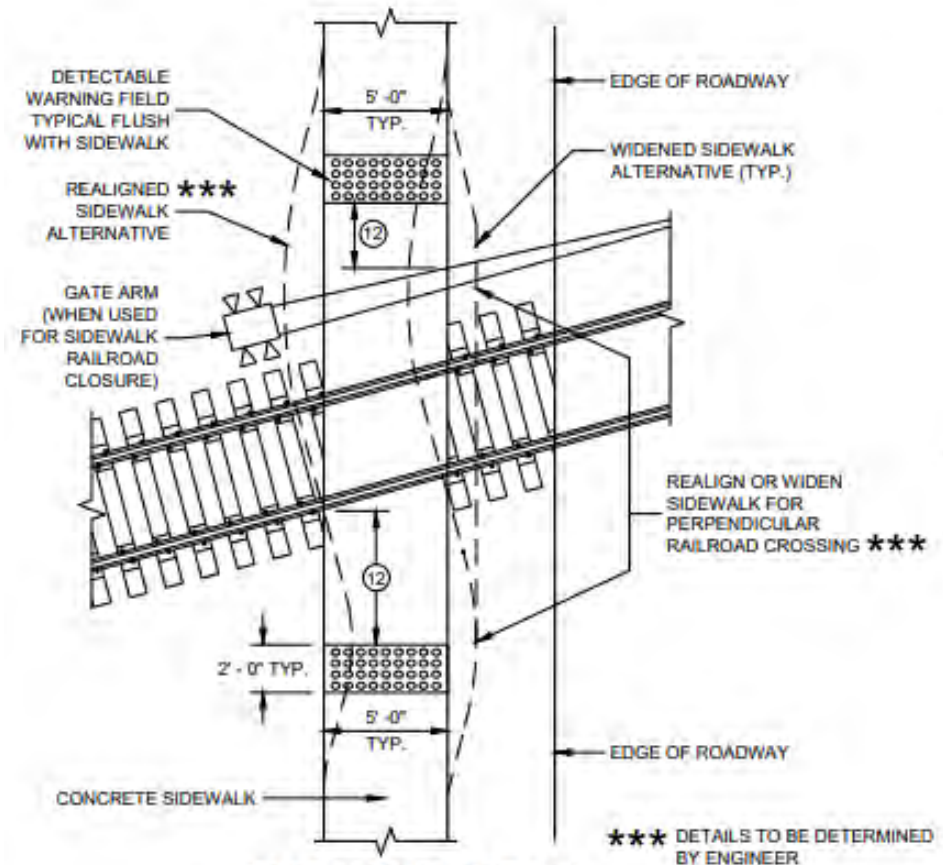


Figure R305.2.5
Pedestrian At-Grade Rail Crossings

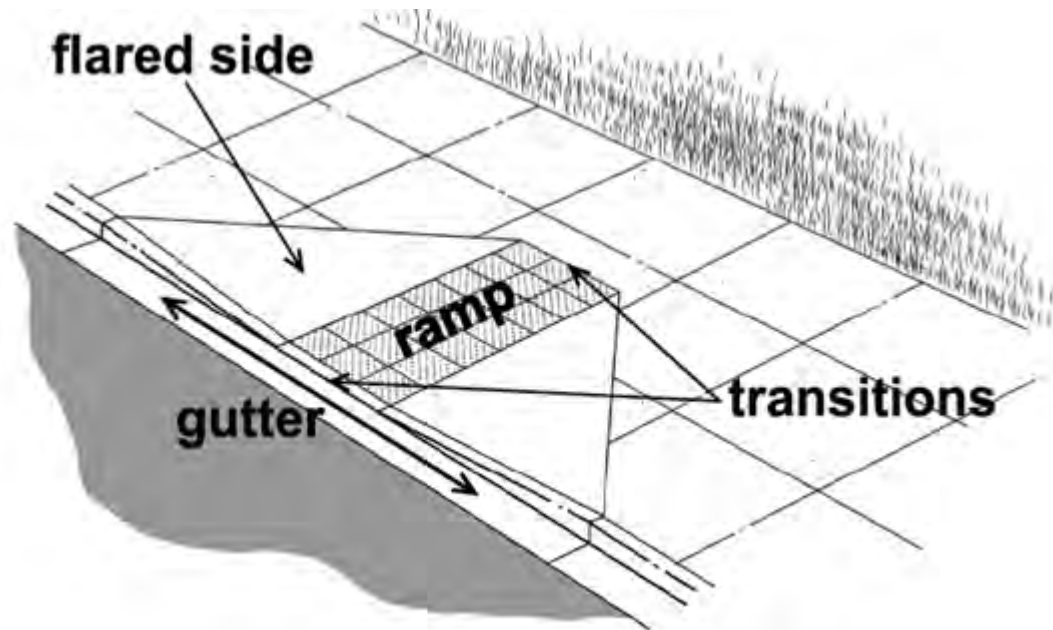


CURB RAMP TYPE 8
DETECTABLE WARNINGS
AT RAILROAD CROSSING

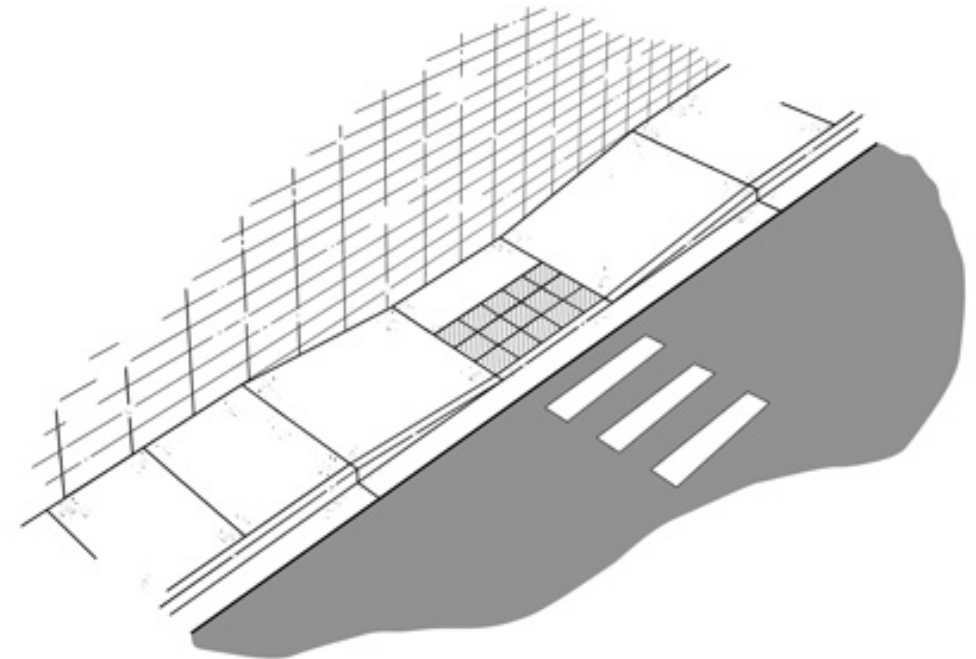
Curb Ramps

Section 406

Ramps with rise of 6" or less do not need a handrail*



Flared Curb Ramp

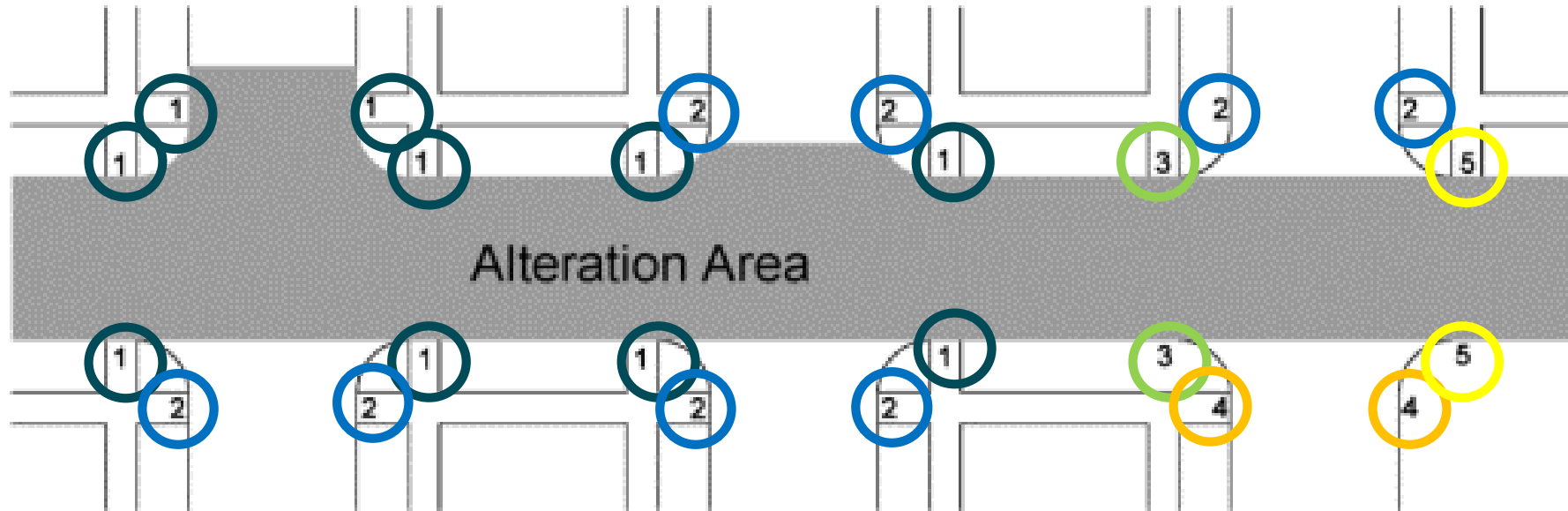


Parallel Curb Ramp

*DOT allows 2' detectable warning strip for width of ramp.

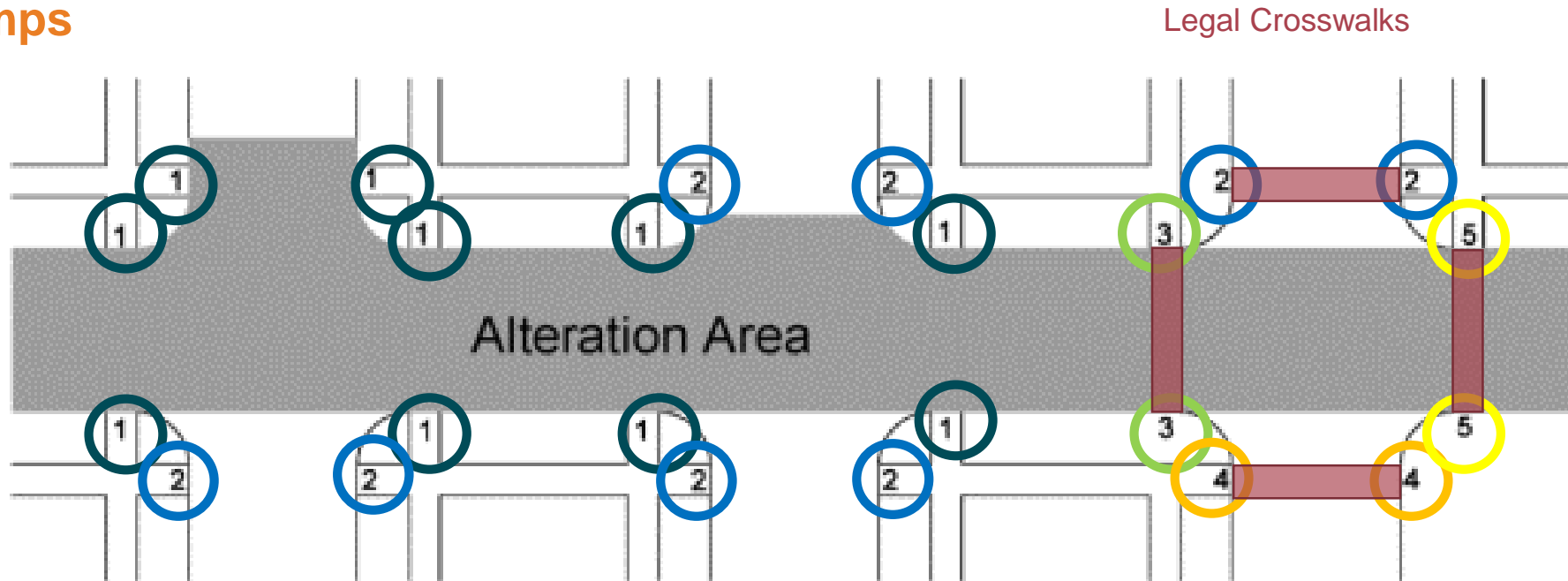
[Image: US Access Board](#)

Curb Ramps



- 1 – Required.
- 2 – Strongly recommended.
- 3 – Required due to barriers.
- 4 – Recommended but not required.
- 5 – Install both or remove one.

Curb Ramps



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Common Failures



Photo: Matheu J. Carter

Common Failures



Common Failures



Curb Ramps

PROWAG/FHWA

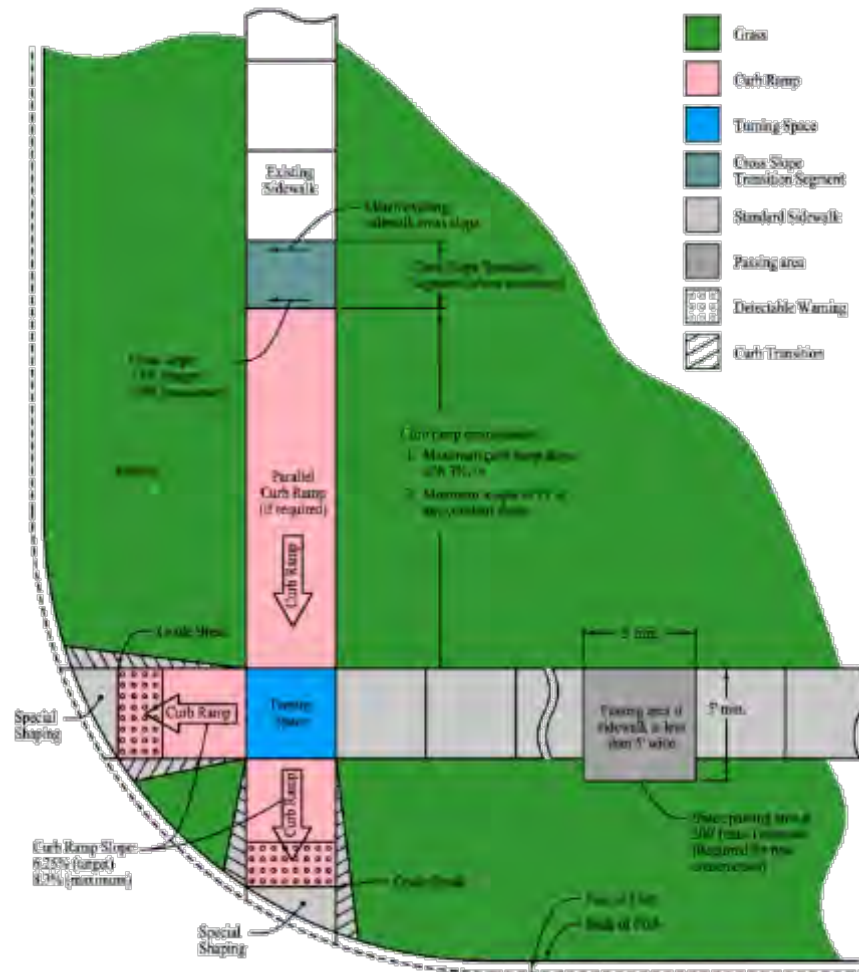


Image: US Access Board



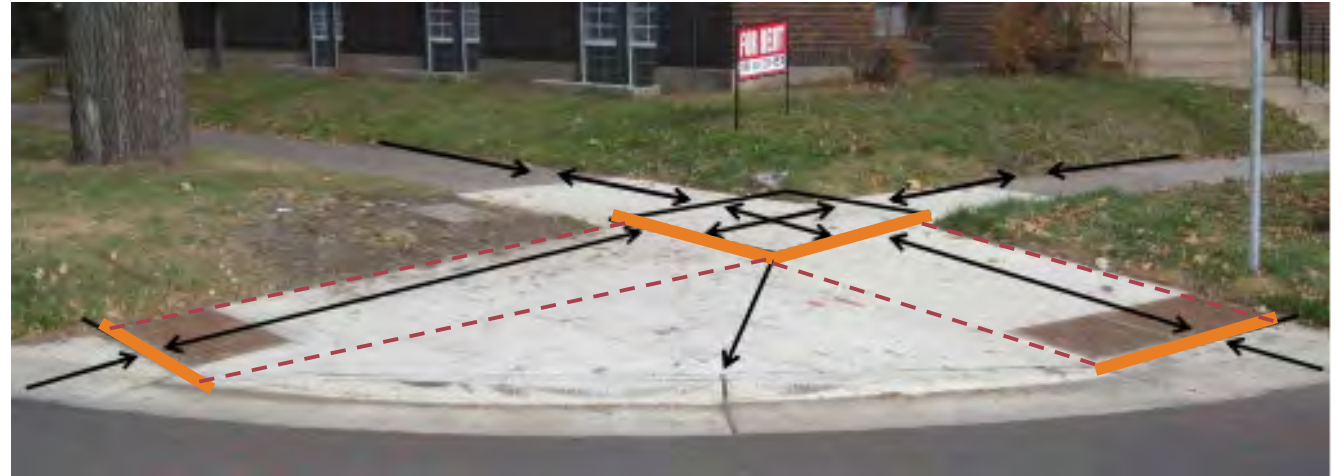
- 2% Max. Cross Slope
- 8.33% Max Ramp Slope

Most state DOTs are now targeting 1.5% and 7% or 7.14%

Curb Ramps

PROWAG/FHWA

- Grade breaks must be perpendicular to the direction of travel not exceed 2%
- Can't be located on the ramp slopes or turning space



Pedestrian Crossings

With Stop or Yield Control:

- 2% max street grade through crossing

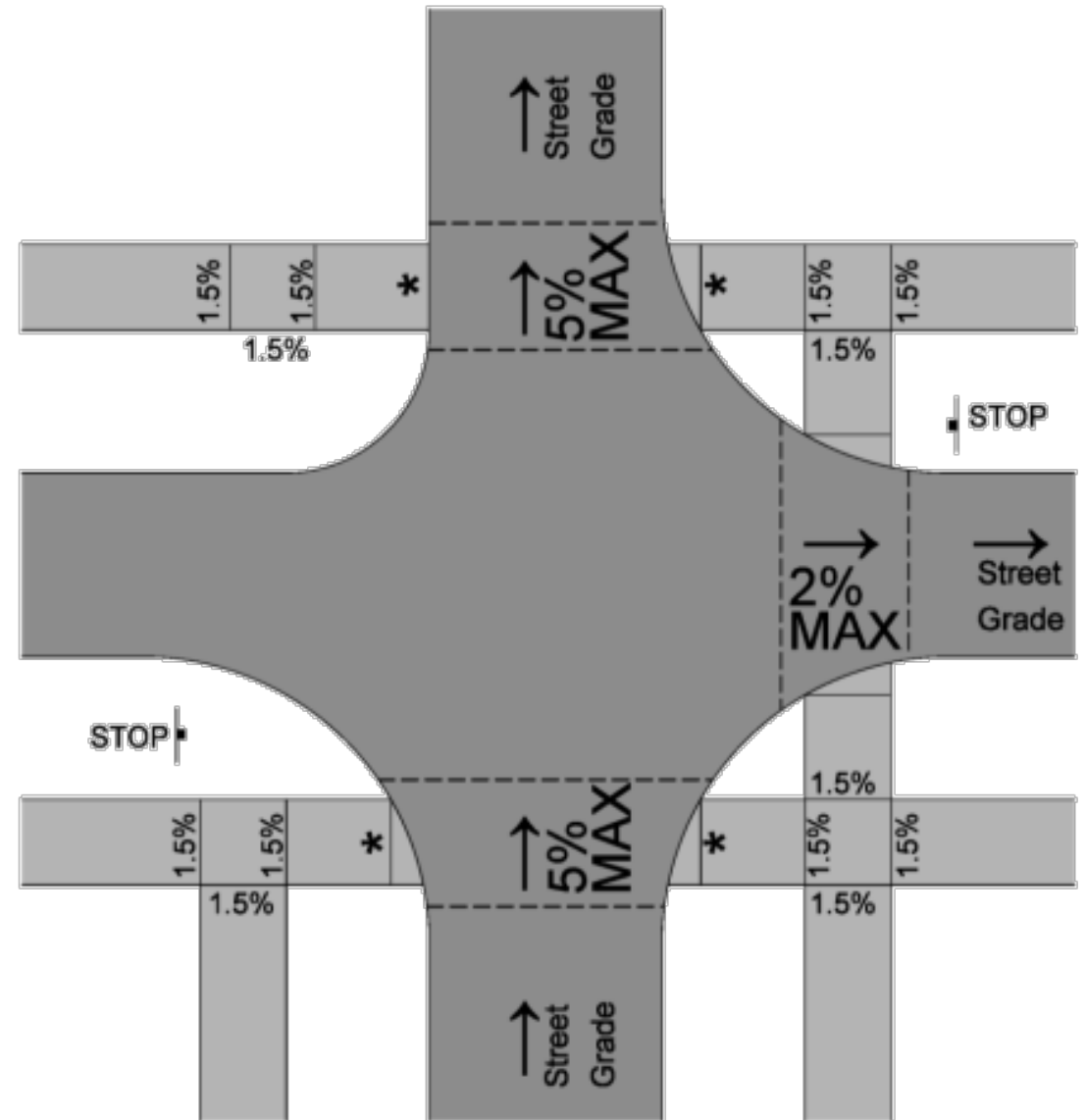
Without Stop or Yield Control:

- 5% max street grade through crossing

Midblock Pedestrian Crossing:

- Equal to the street grade

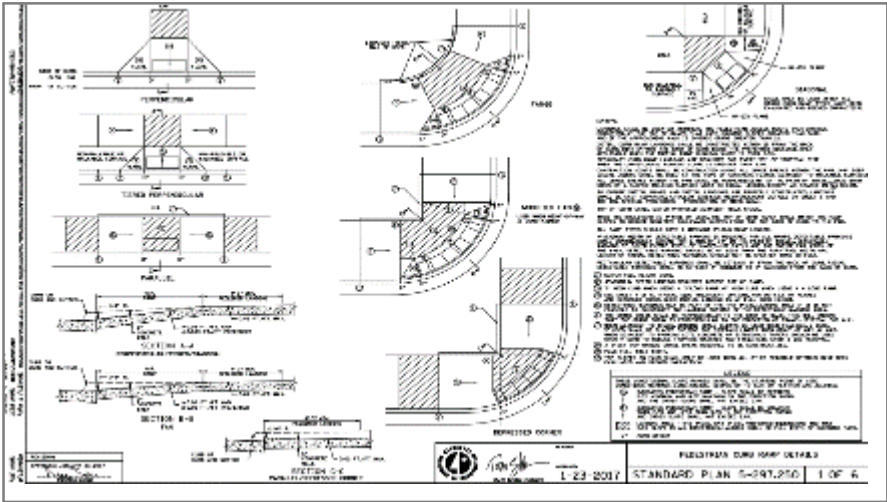
Pavers and/or Stamped Pavement **NOT** allowed in pedestrian crossings.



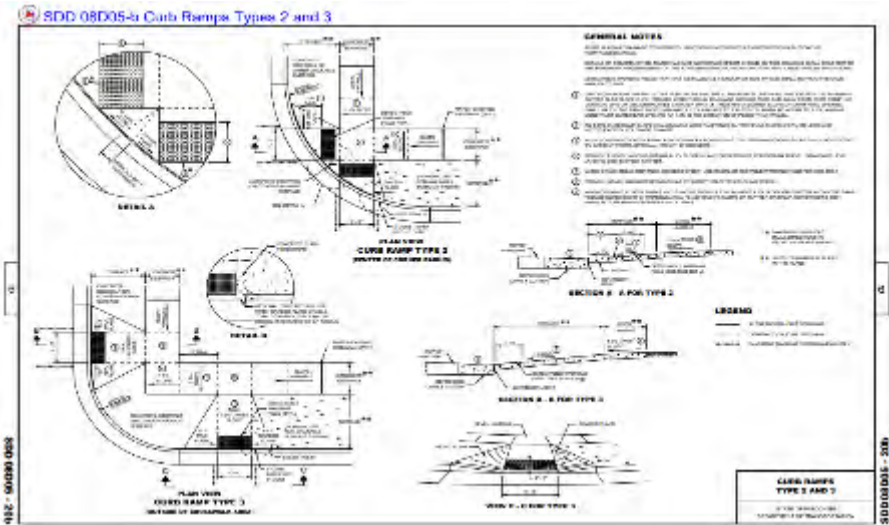
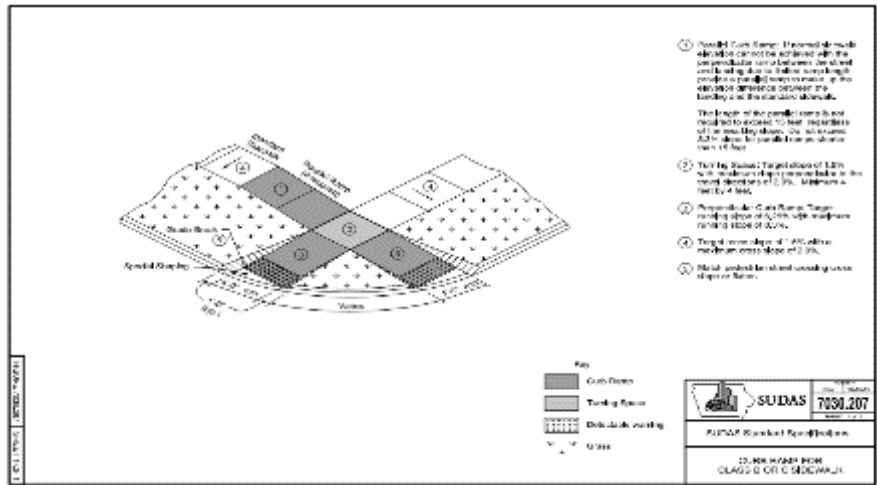
Curb Ramps

PROWAG/FHWA

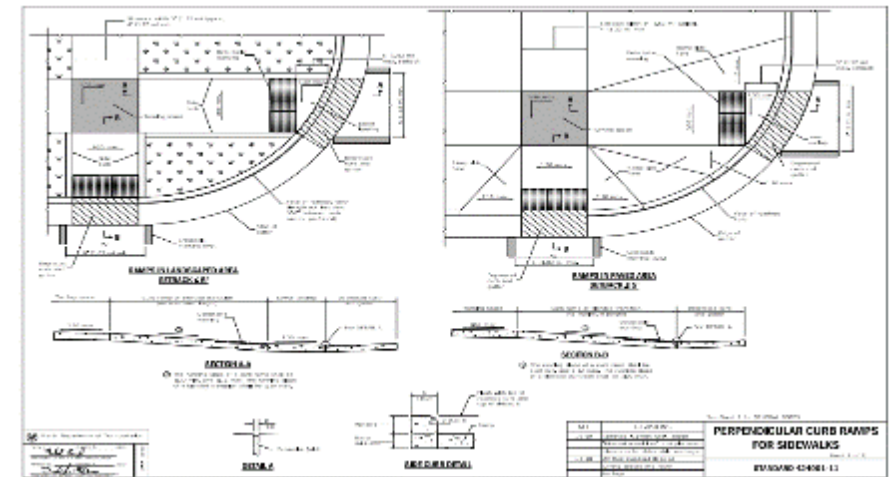
MN



IA



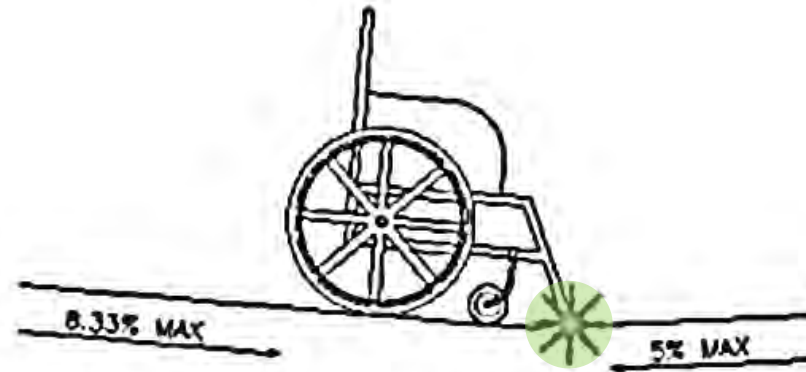
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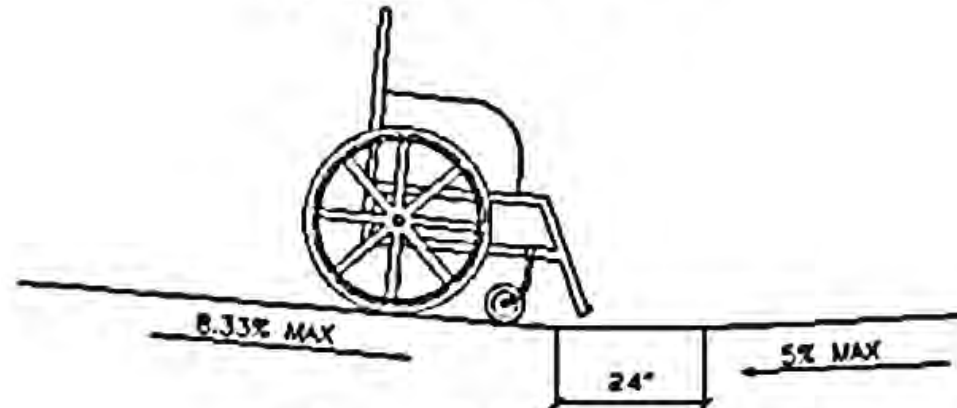
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Curb Ramp – Slopes

PROWAG/FHWA/FDM



ALGEBRAIC DIFFERENCE
GREATER THAN 11% NOT
PERMITTED



PROVIDE 24" LEVEL STRIP IF
ALGEBRAIC DIFFERENCE
EXCEEDS 11%

Curb Ramp – Diagonal Ramps

PROWAG/FHWA/FDM

Diagonal Ramps

- Are allowed but should be used only as last resort
- Require a turning space at bottom of ramp
 - 2% max in all directions (stop or yield)
 - 5% max in all directions (without stop or yield)

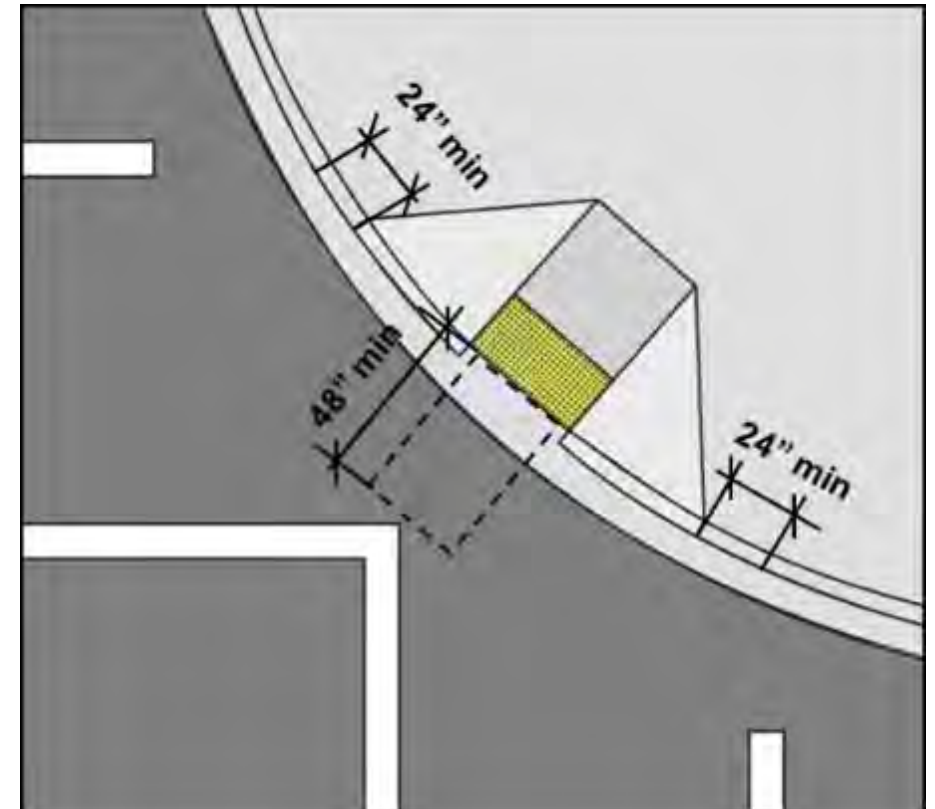


Image: US Access Board

Detectable Warning Fields

PROWAG/FHWA



Detectable Warning Fields – Truncated Dome

PROWAG/FHWA

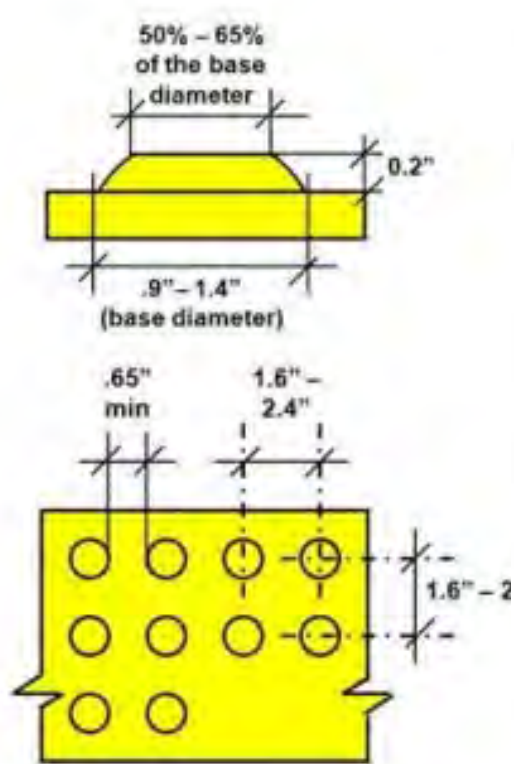


Image: US Access Board

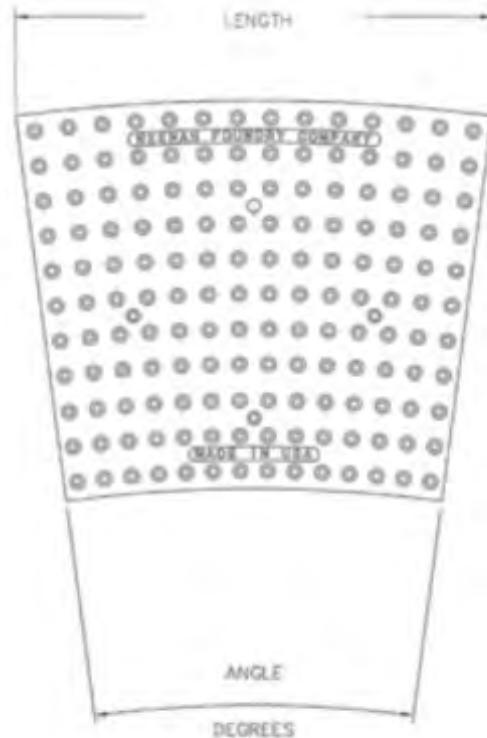
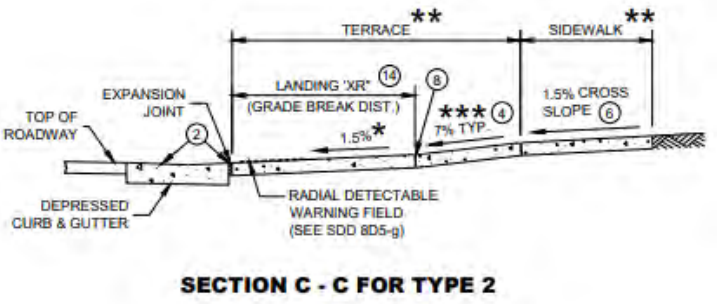
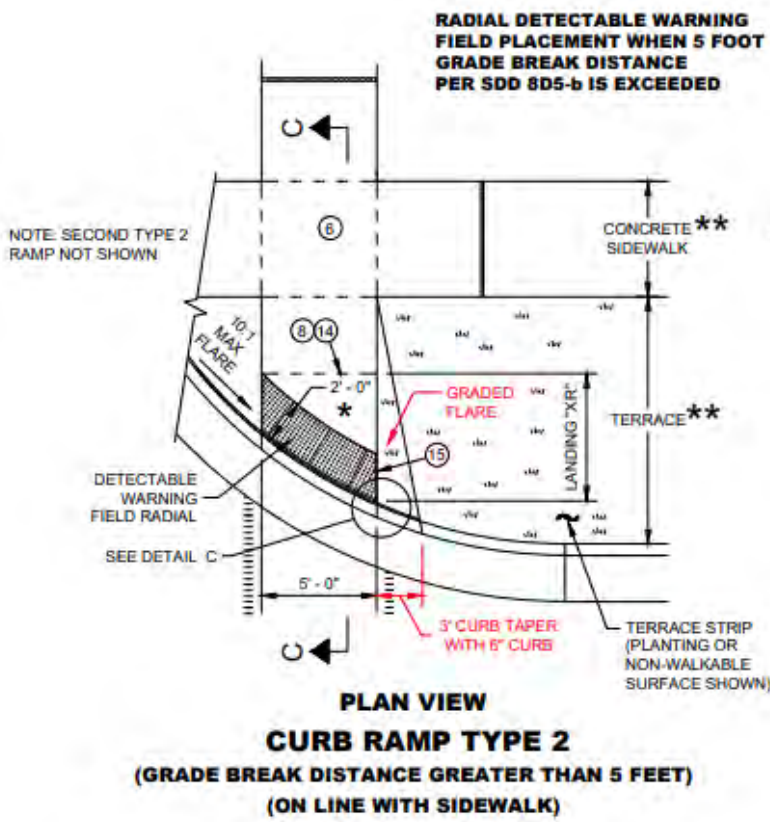


Image: Neenah Foundry

Detectable Warning Fields

Wisconsin FDM



- * MAXIMUM 2% SLOPE IN ALL DIRECTIONS IN FRONT OF GRADE BREAK
- ** WIDTH SHOWN ELSEWHERE IN THE PLANS
- *** MAXIMUM 8.33%



Traffic Signals

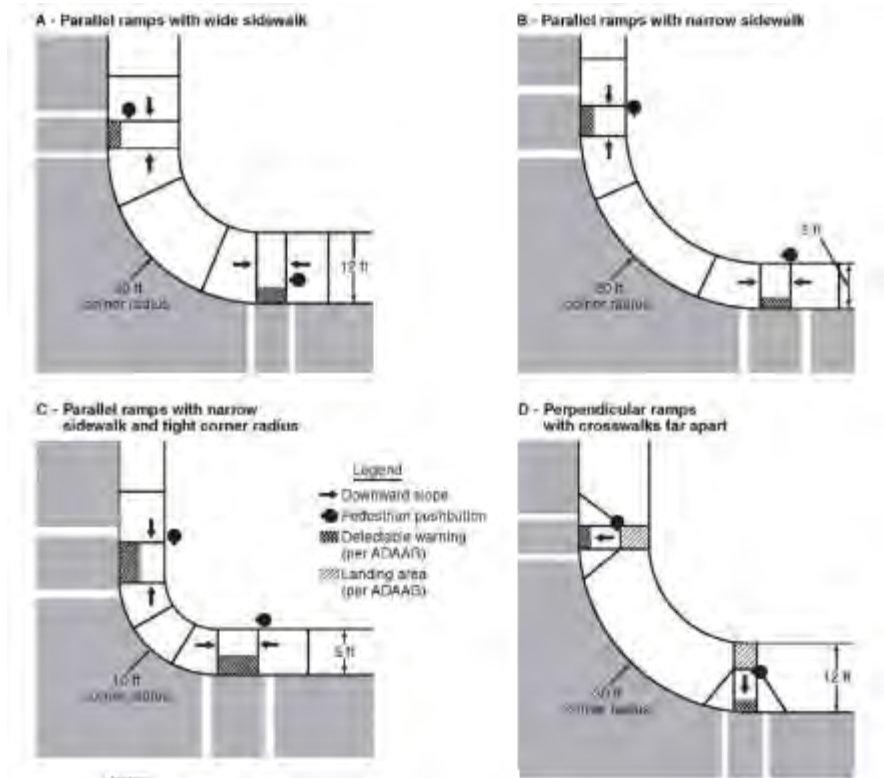
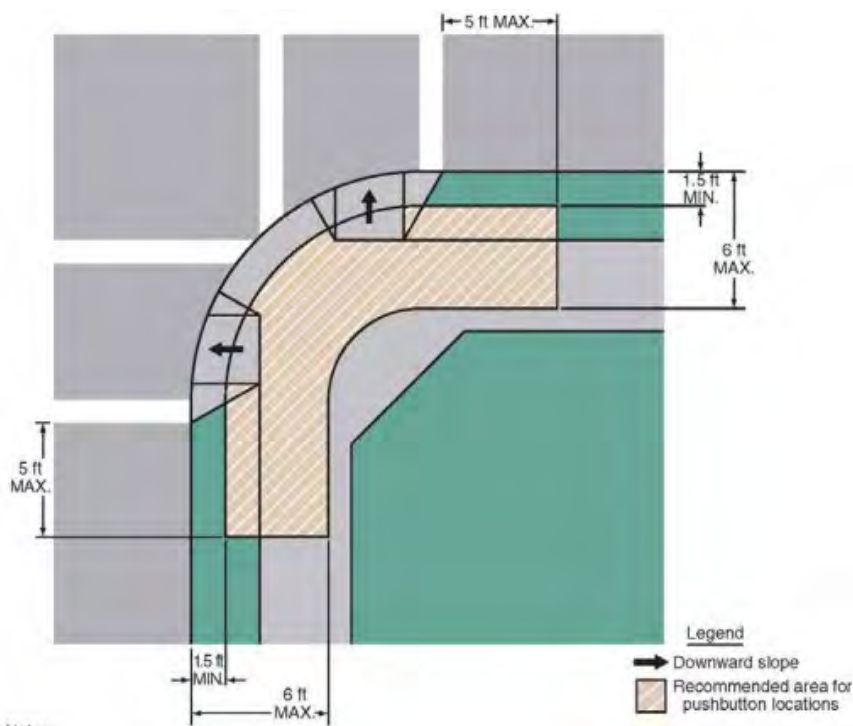


Figure 4E-3. Pushbutton Location Area

Traffic Signals

R306.3.2

Pedestrian Timing Intervals

- 4 second minimum



- If installed, walking speed of 3.5 fps



Accessible Pedestrian Signals

- Recommended as part of PROWAG at all signals.
- If installed, MUTCD requires that APS provide both audible and vibrotactile indications.



Construction



Photos: Matheu J. Carter





Evaluation and Monitoring

Compliance – Title II

ALL PUBLIC ENTITIES MUST

- Complete a “Self-Evaluation” (Access Audit)
- Provide Public Notice of Self-Evaluation Findings

ALL PUBLIC ENTITIES WITH > 50 EMPLOYEES MUST

- Identify an ADA coordinator
- Identify Grievance Procedure
- Complete Transition Plan

All governmental activities of public entities are covered, even if those activities are carried out by contractors. Title II requires public entities to **make sure contractors operating services and programs on their behalf comply with the ADA**. This applies to anything a public entity does.

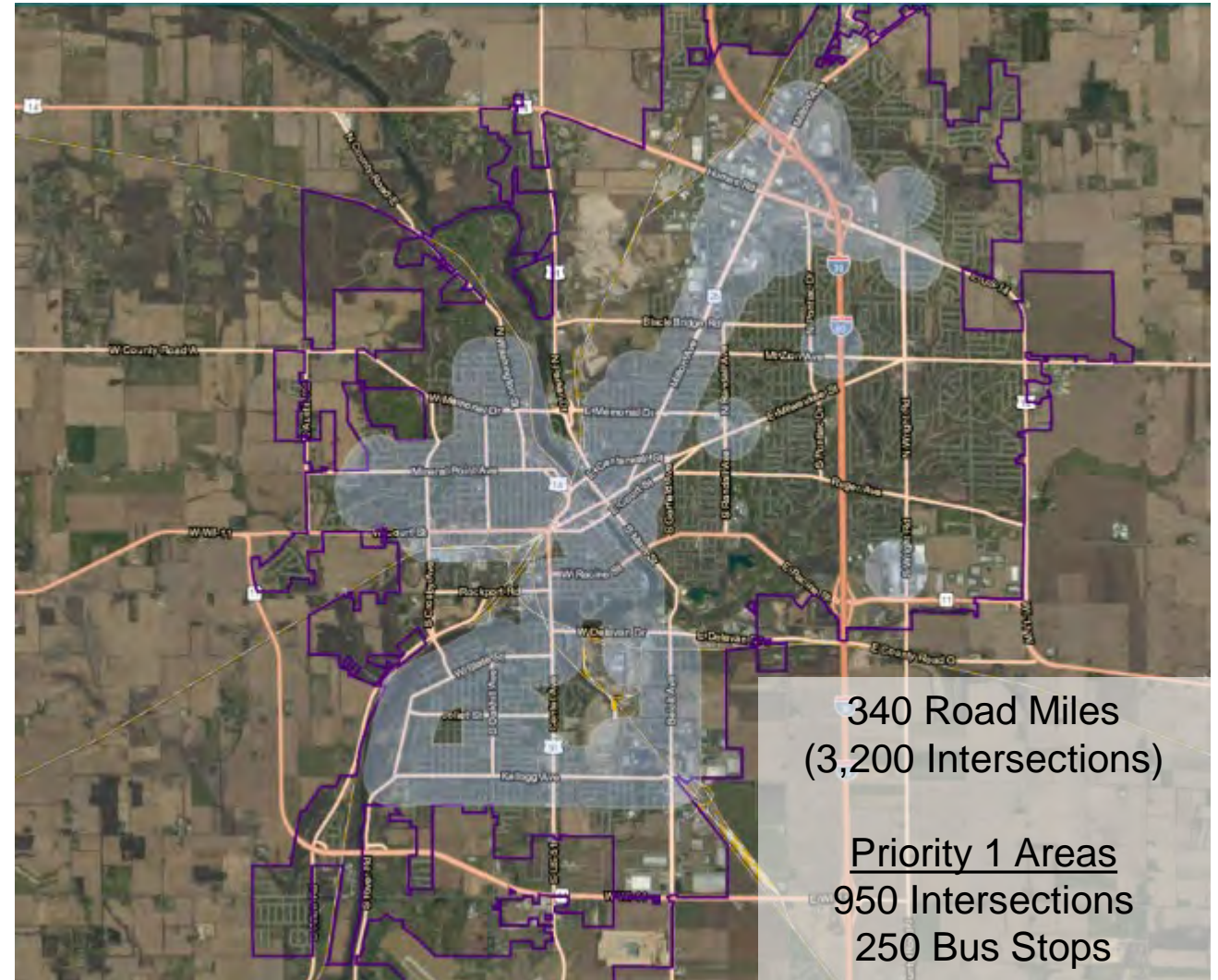
Self Evaluation and Transition Planning

- Scale of the Assessment
 - How much detail do you need?
- Determine Priority Area(s)
- Data Collection/Self-Evaluation
 - Staff/Contractor
 - GIS/LIDAR
 - Asset Management
- Transition Plan Development
- Ongoing Monitoring

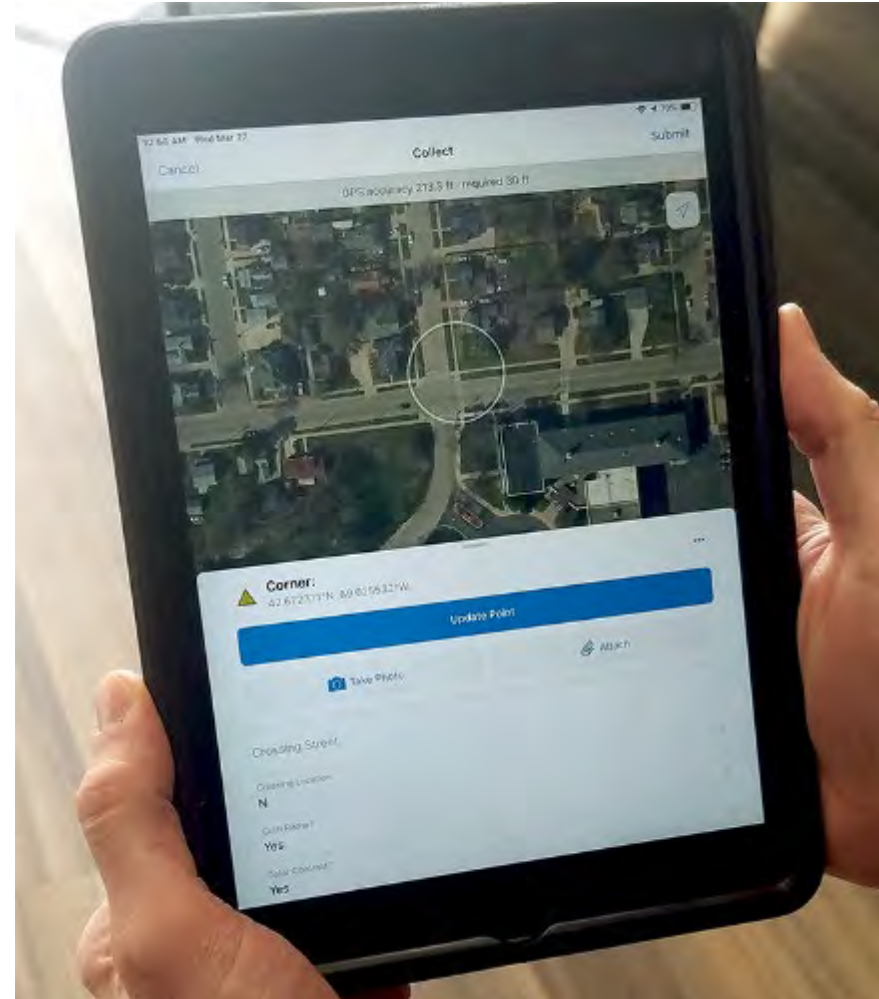
Priority Areas

¼ Mile Radius of:

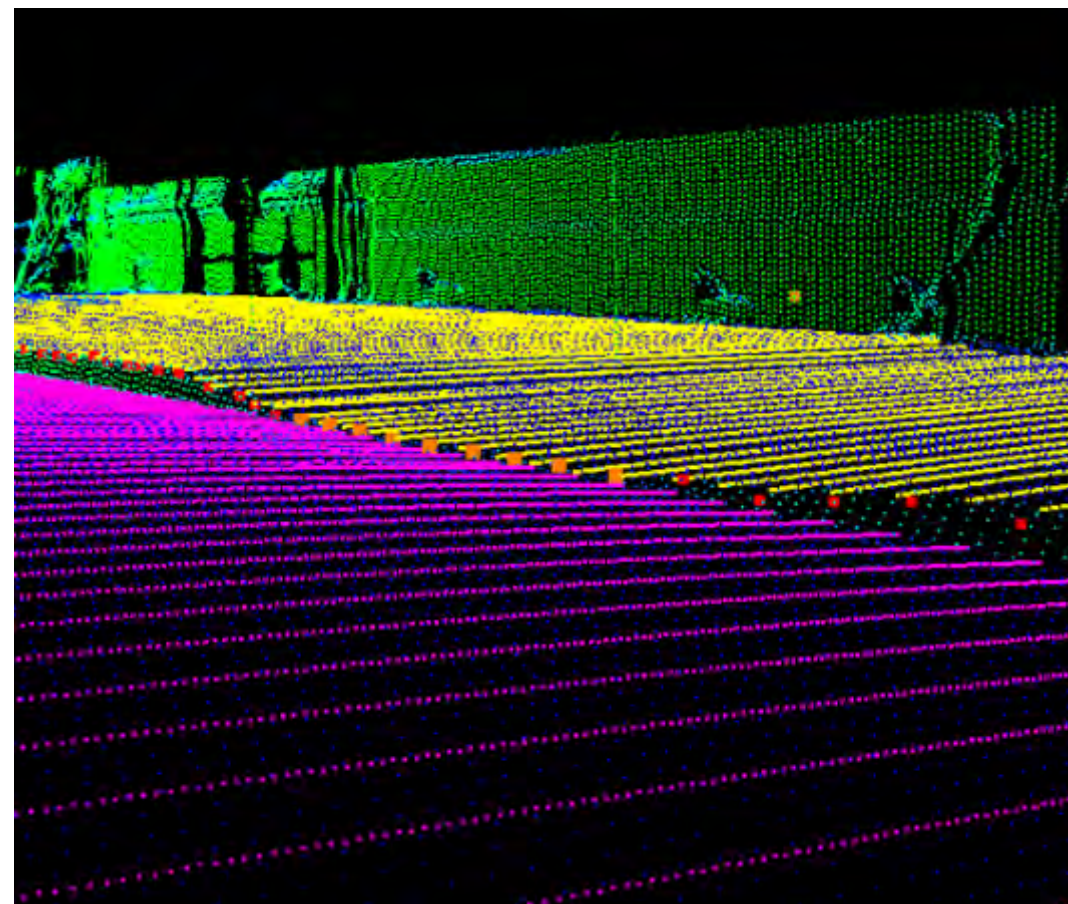
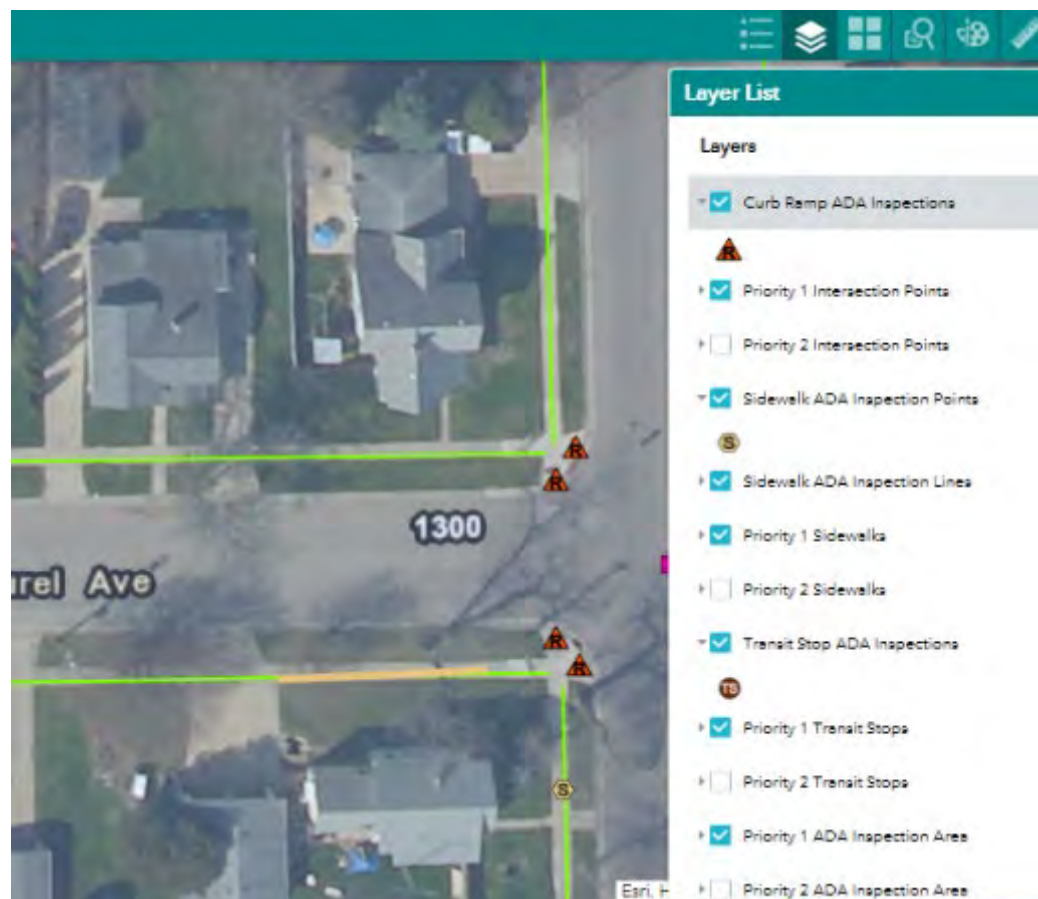
- Bus Routes/Stops
- Schools
- City Facilities
- Voting Locations
- Exclude any area scheduled for rehabilitation in next three years



Data Collection



Data Collection



Transition Plan

- Introduction and Purpose
- Self-Evaluation Summary
 - Review assessment data
- Policies and Practices
- ADA Coordinator
- Implementation
 - Determine timeline for corrections
- Public Notice of Findings
- Grievance procedure
- Monitoring and Follow Up



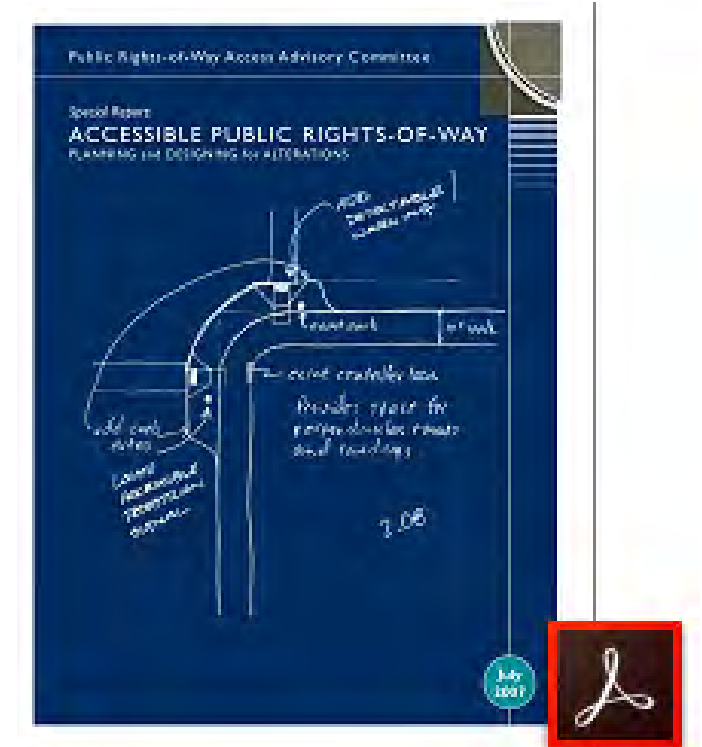
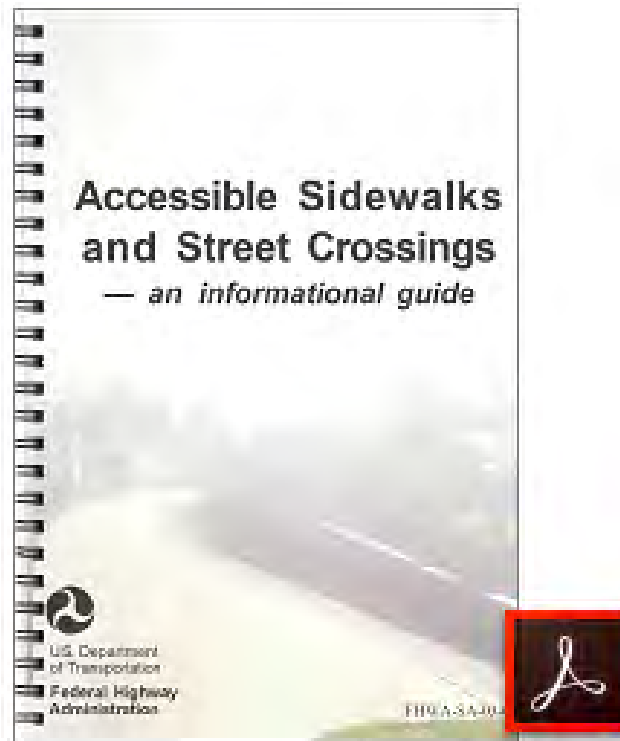


Resources

Resources

- **Great Lakes ADA Center:** <http://adagreatlakes.com>
 - 1 (800) 949-4232
 - Can call for FREE assistance interpreting ADA requirements
 - Offer FREE monthly webinars and training programs <https://www.accessibilityonline.org/ao/>
- **Department of Justice:** www.ada.gov
- **US Access Board:** www.access-board.gov
- **Action Guide:** <https://adaactionguide.org/>
- **Local DOT Region or District Liaison**
- **AASHTO** - Guide for the Planning, Design, and Operation of Bicycle Facilities
- **Pedestrian and Bicycle Information Center:** <http://www.pedbikeinfo.org/>
- **FHWA:** https://www.fhwa.dot.gov/environment/bicycle_pedestrian/index.cfm

Resources



Next Steps

- Capital Improvement Planning
- Asset management
 - GIS
- Ongoing Observation
 - Sidewalk Repair/Replacement Programs
 - Master Planning/Comprehensive Planning
 - Data Tracking – volume study
- Requests and Complaints
 - Grievance procedure
- Funding



Asset Management



Summary

Key Takeaways

- PROWAG
- Accessibility
 - Take a proactive approach
- Transition plan
 - It's required
- Technology
 - Streamline assessment and monitoring of compliance





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Q&A



