

Accessible Features in the Public Right of Way

The Basics....

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Learning Objectives

- **Title II Obligations and Access in the Public Right of Way**
- **Accessible Pedestrian Routes**
- **Effective Communications and Accessible Pedestrian Signals**
- **Scoping and Design for On-street Parking**
- **Scoping and Design for Transit/Bus Stops**

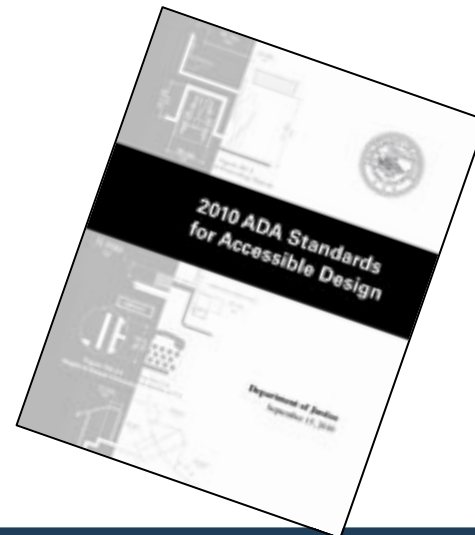
***Note:** Except for the statutes and regulations cited, the contents of this presentation do not have the force and effect of law and are not meant to bind the public in any way. The presentation is intended only to provide information and clarity regarding existing requirements under the law and agency policies.*

Federal Civil Rights Laws

- 1973 Rehabilitation Act, Section 504
 - Applies to programs and activities receiving Federal funds;
 - Prohibits discrimination in programs and activities receiving Federal funds;
 - Enforced by DOT/FHWA – Complaint.
- 1990 Americans with Disabilities Act
 - Title II applies to State and Local Governments;
 - Prohibits discrimination in the provision of facilities, services, and programs;
 - Transportation accessibility enforced by DOJ/DOT – Complaints and Project Civic Access.

ADA Title II

- ADA Title II prohibits discrimination against people with disabilities in all State and Local Government programs, services and activities. 28 CFR 35.130.
- Programs, services and activities are required to be “accessible to, and usable by people with disabilities”.

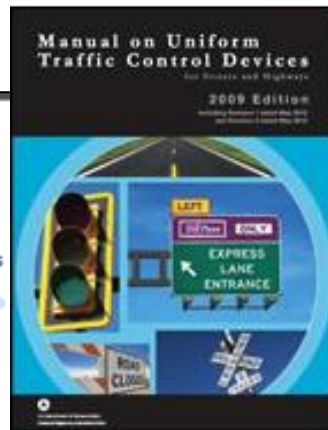
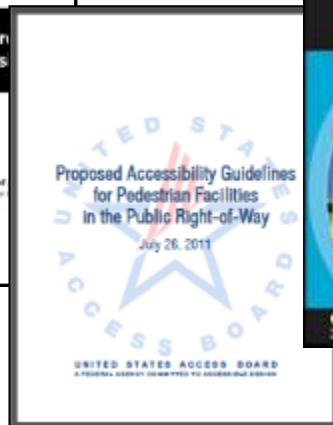
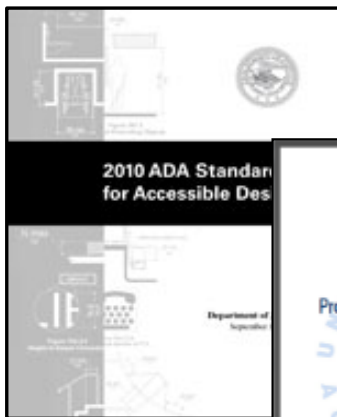


What does “accessible to and usable by” mean?

- Where enforceable standards exist, compliance with standards is required. See, e.g., 28 CFR 35.150(c). (reference to UFAS, 1991 ADA Standards, 2010 ADA Standards) (Note: structural impracticability, maximum extent feasible exceptions)
- Where enforceable standards do not exist, compliance is less clear, but provided services must still meet the general “accessible to and usable by” provision of rules (28 CFR 35.150 (a), 35.151(a)).

Obligation for Access in the Public Right of Way

- Regulation 28 CFR 35.151(i) requires newly constructed or altered curb ramps to comply with 2010 ADA Standards;
- Flexibility in design for areas not covered.



American Association of State Highway and Transportation Officials (AASHTO) guidance -

- Highways and Streets
- Pedestrian Facility Design
- Bicycle Facility Design

Proposed Public Right of Way Accessibility Guidelines (proposed PROWAG)

- US Access Board issued PROWAG NPRM in 2011; SNPRM added shared use paths in 2013;
- No final rule issued yet;
- Proposed PROWAG not enforceable standards until finalized by Board and adopted into regulation by DOT/DOJ.



Photo: MAnderson

What Can State and Local Agencies Do in the Meantime?

- Review Policies
- Review Standards
- Education
- Enforcement at local level

Report Card	
Your Territory/City	Accessibility Rating
Sidewalks	C
Curb Ramps	D
Accessible Parking	C
Pedestrian Signals	D
Bus Stops	D
Public Outreach	C
ADA Transition Plan Progress	D



Photo: MAnderson

Obligations for Access

- **New construction** is required to be accessible (to extent not structurally impracticable) 28 CFR 35.151(a).
- **Alterations** to existing facilities must be accessible to the maximum extent feasible within the scope of the project. 28 CFR 35.151(b).



Photo: Access Board

- **Existing facilities** that have not been altered can not deny program access to persons with disabilities. 28 CFR 35.150.

Pedestrian Access Routes



Sidewalks
(typically, pedestrians only)



Shared-use Paths
(peds and bikes)



Shoulders

Are Sidewalks Required?

- The ADA does not require public entities to construct sidewalks (Pedestrian Access Routes (PAR))
- If sidewalks are provided, then they are required to be accessible to and usable by a person with a disability. 28 CFR 35.149-150

What Does the Proposed PROWAG Provide?

- Figures cited going forward in presentation taken from proposed PROWAG, or the 2010 ADA Standards as noted.
- The Proposed PROWAG does not include federally enforceable standards until finalized by Access Board and adopted by DOJ/DOT

Pedestrian Access Route Design Basics

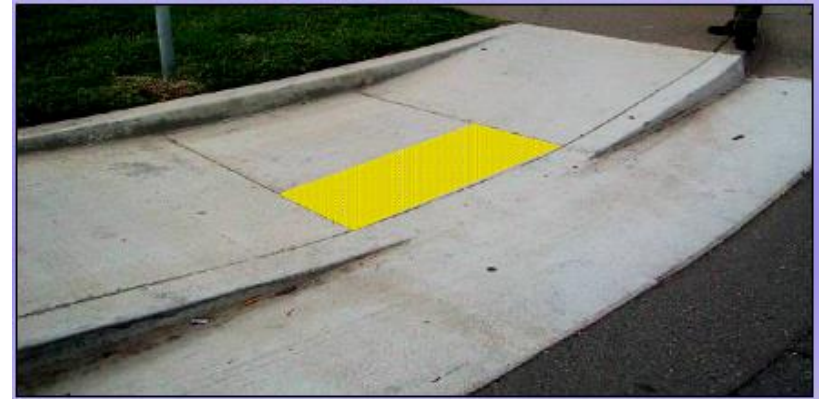
(proposed PROWAG – not enforceable standards)

- Surface - Firm, stable and slip resistant;
- Width – Continuous, 48” min. or full width of a shared use path. Less than 60”, need passing space;
- Running slope – \leq road grade w/in ROW, or 5% max. outside of ROW;
- Cross slope – 2% max.;
- Level change max. – 1/4” vertical or 1/2” beveled;
- No protruding objects within circulation path.

Temporary Route Basics (Work Zones)

- Proposed PROWAG references MUTCD
- Maintain pedestrian usability;
- Same-side alternate routes if feasible (extra crossings increase risk);
- Cane-detectable barricades and channelizers;
- Temporary facilities are also covered (street fairs, block parties, farmer's markets, streateries...)

Curb Ramps



Photos: Access Board



Curb Ramps - What's Required?

- **Must comply with the 2010 ADA Standards at 28 CFR 35.151(i)**, which provide that when a sidewalk intersects a roadway a curb ramp is required.
- Detectable Warnings are required on PAR, but not AR (building sites). (DOT Regs. 49 CFR 27.3, recipients of federal aid)
- Important to understand that:
 - The 'cookie cutter' curb ramp will not fit all.
 - Some engineering required at most corners.

Curb Ramp Basics

(2010 ADA Standards apply)

- Detectable warnings – Pedestrian Access Route (federal aid recipients, 49 CFR 27.3, 504 reg) vs Accessible Route
- 1:12 (8.3%) max. running slope - with exceptions;
- 1:48 (2%) max. cross slope – with exceptions;
- Width – 3' min. (4' min. PROWAG);
 Shared use path – full width (PROWAG)
- Landings at top of perpendicular curb ramp and bottom of a parallel curb ramp;
- Clear space at the bottom outside of travel lane at diagonal curb ramps;
- Perpendicular grade breaks and flush transitions (no lips).

What is a crosswalk?



Aerial from Google Maps

Crosswalk is the extension of a sidewalk across the street, or where marked (FHWA, Manual on Uniform Traffic Control Devices (MUTCD), 2009 Ed. (with Rev. 1 & 2, May 2012), Section 1A.13) (23 CFR Part 655).

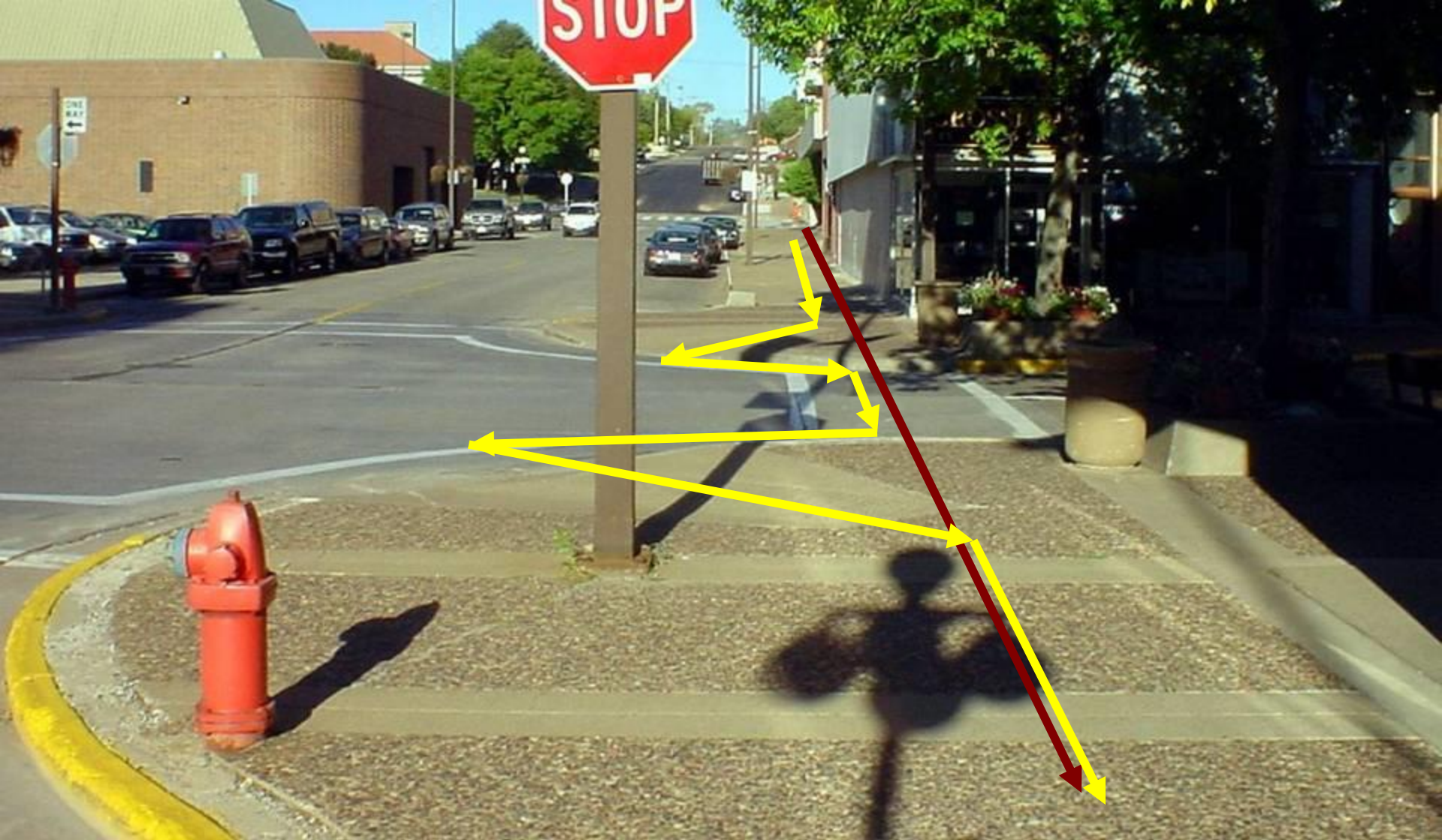


Photo from the Access Board

Two curb ramps per corner where feasible
(proposed PROWAG – not enforceable standard)

Detectable Warnings??

- All curb ramps at street crossings in the public right of way should have detectable warnings to provide notice underfoot of the change from a pedestrian to a vehicular route. DWs are required at curb ramps at street crossings for recipients of federal assistance from DOT (49 CFR 27.3).



Photos: Access Board

Detectable Warnings

(49 CFR 27.3-DOT aid recipients)

- Provide warning to the visually impaired that they are about to enter a vehicular area;
- Raised domes with in-line or radial arrangement;
- 24" min. in the direction of travel and full width of curb opening;
- Contrasting in color.

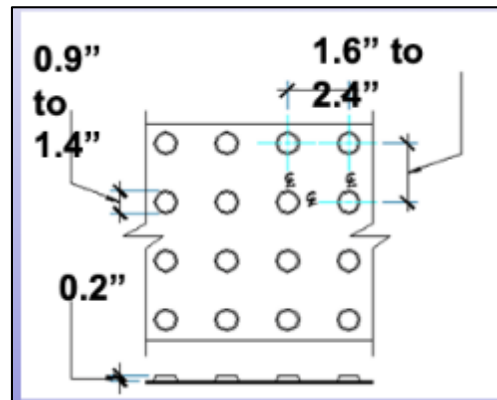
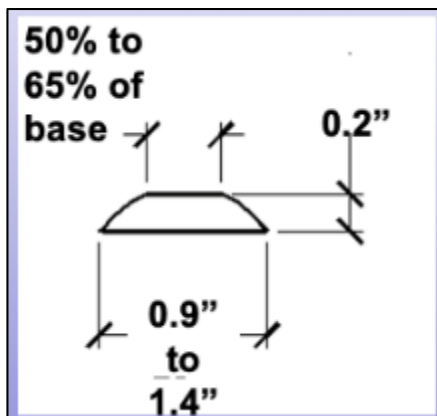
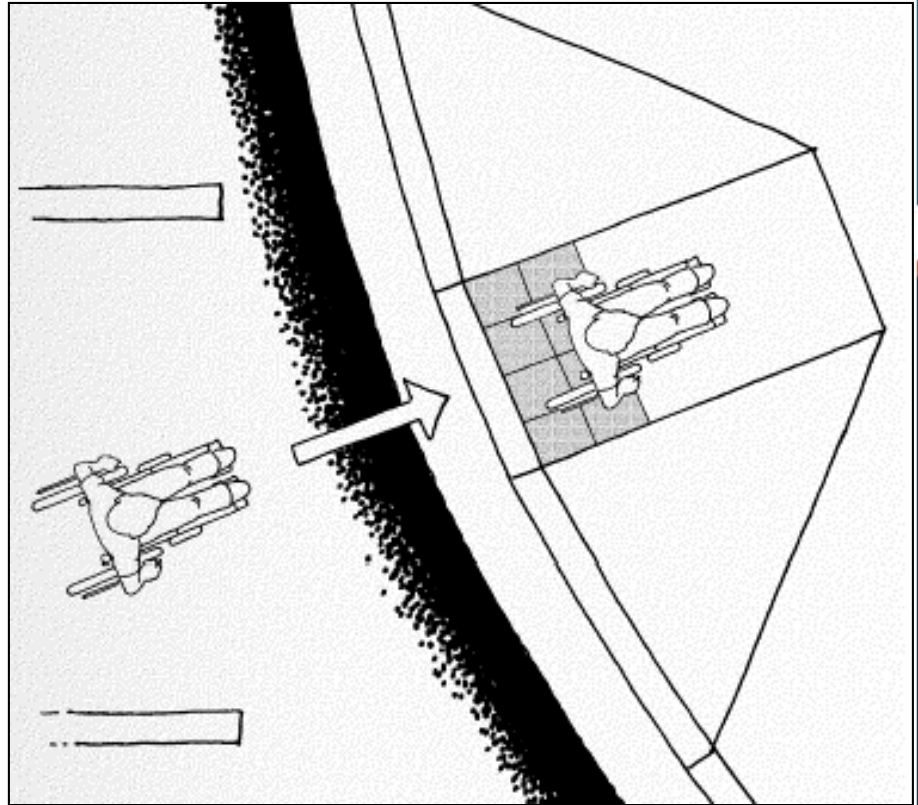
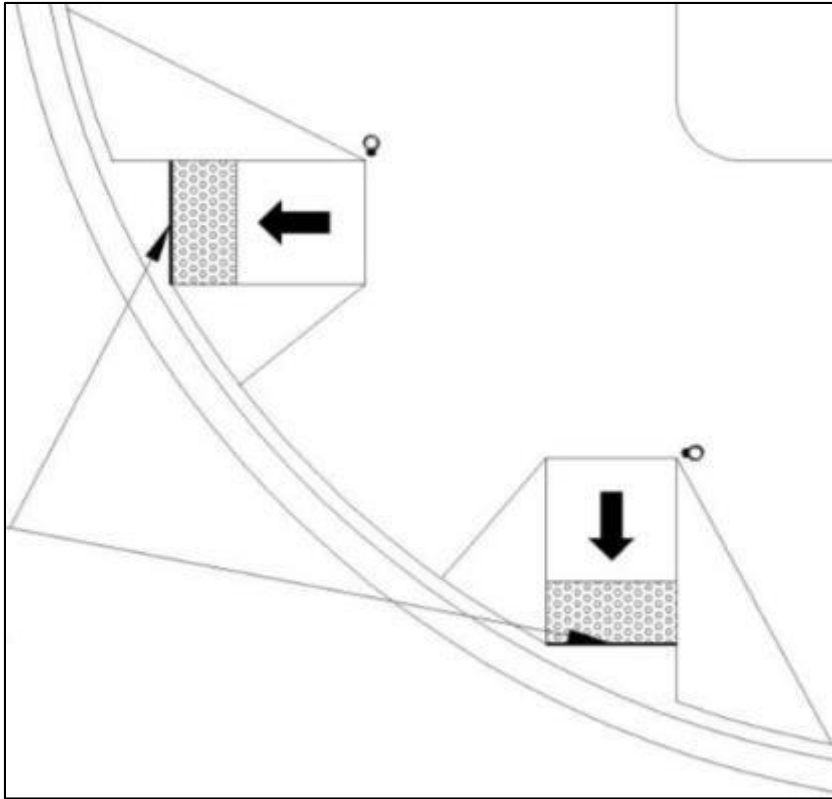


Photo: Access Board

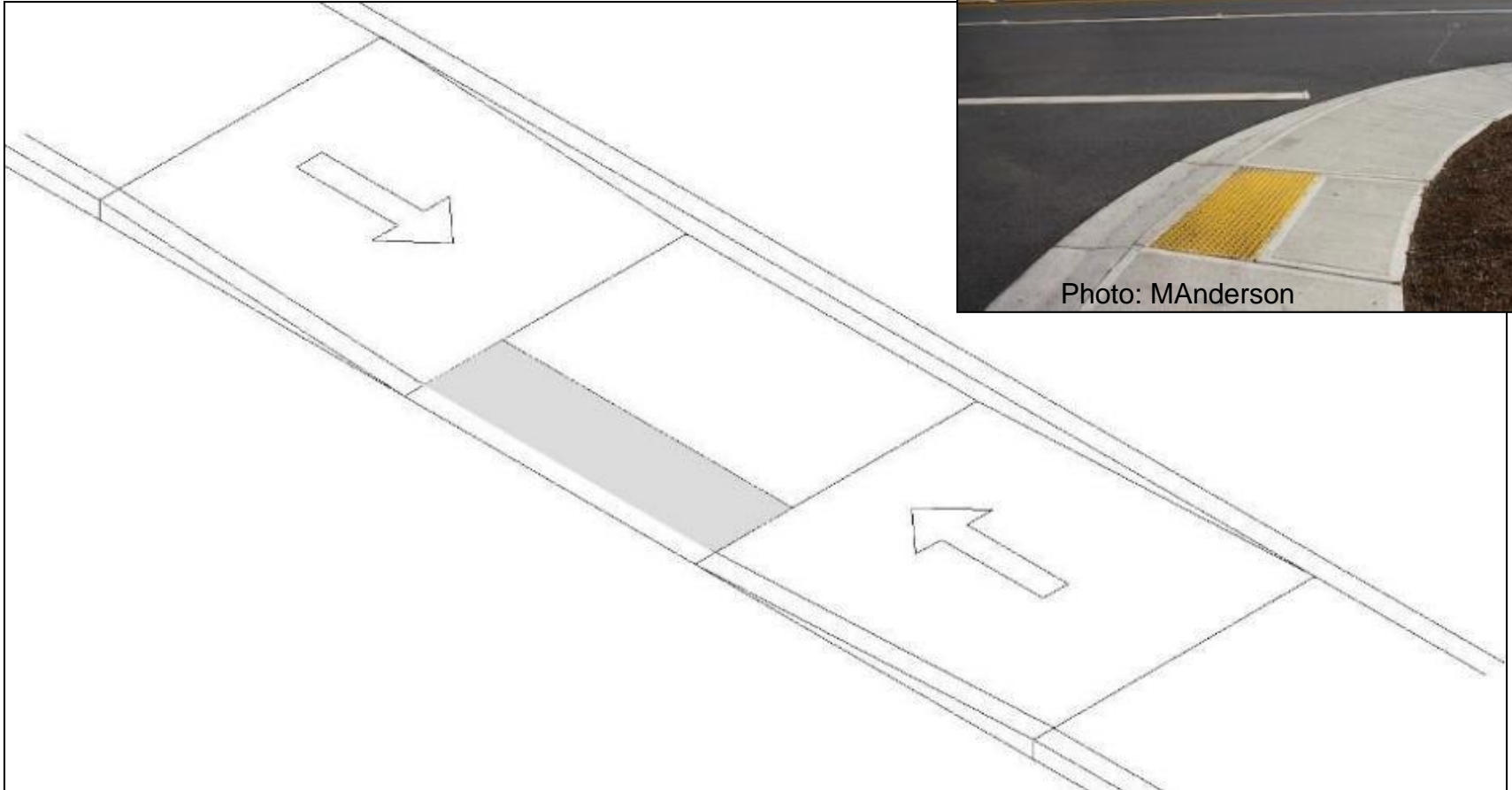
Perpendicular Curb Ramps



Graphics: proposed PROWAG

Perpendicular to the curb or street

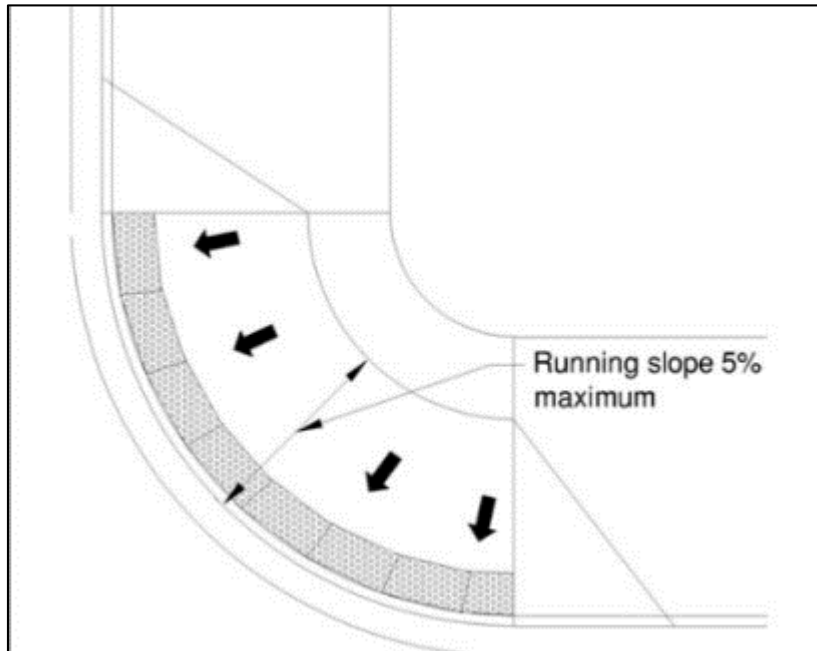
Parallel Curb Ramps



Graphic: proposed PROWAG

Parallel to the curb or street

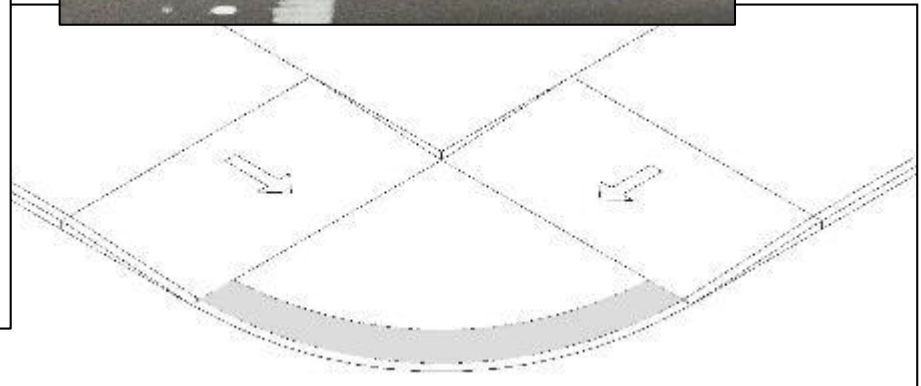
Blended Transitions



Graphics: proposed PROWAG



Photo:
MAnderson



Blended Transition (depressed corner);
Not addressed in 2010 ADA Standards.
(Included in proposed PROWAG (not enforceable standard))

Street Crossing Basics

(proposed PROWAG-not enforceable standard)

- 5% max running slope, or street crown;
- 2% max cross slope on curb ramps and crosswalks, exception for some intersections;
- Adequate crossing time (3.5 ft/sec);
- Multi-lane roundabouts need some type of pedestrian demand signalization.

Pedestrian Signals & Pushbuttons



Photos: Access Board



Usable information about crossings

Effective Communication

28 CFR §35.160 General. (shortened)

(a)(1) A public entity shall take appropriate steps to ensure that communications [with members of the public] with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities . . . an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.

- No standard yet in place to implement and enforce this regulatory provision, but the requirement exists.

Pedestrian Pushbuttons

Should: (MUTCD, Section 4E.08, guidance statement)

- **Buttons**

- Face of button parallel to crosswalk;
- Mounted at 48" max;
- Max 5 lbs. pressure needed to activate;
- Clear space needed.

- **Sign**

- Adjacent to button – explains purpose and use;
- Must clearly indicate crosswalk direction.



Photo: MAnderson

Accessible Pedestrian Signals

Communication Features

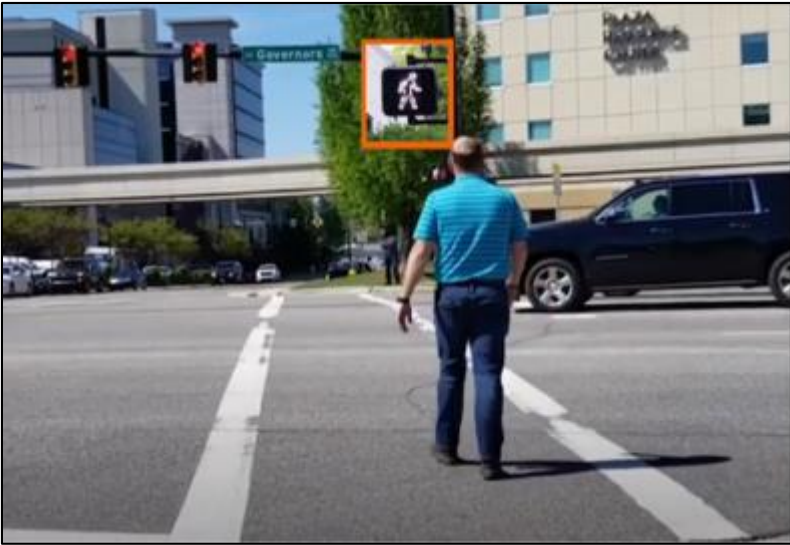
- Locator tone;
- Audible and vibro-tactile detectors required;
- Tactile arrow indicates direction;
- 10 ft. separation, or speech indication;
- Volume adjusts for ambient noise;
- Speech walk criteria MUTCD 4E.11;
- Extended Press Features.

MUTCD 4E.08-4E.13



Photo: Access Board

Signal Innovations



Source: FHWA, YouTube,
Leading Pedestrian Intervals



Source: FHWA.



Source: FHWA,
Public Roads
Spring 2021

On-Street Parking (Proposed PROWAG)



Photos: MAnderson

On-street Parking Basics

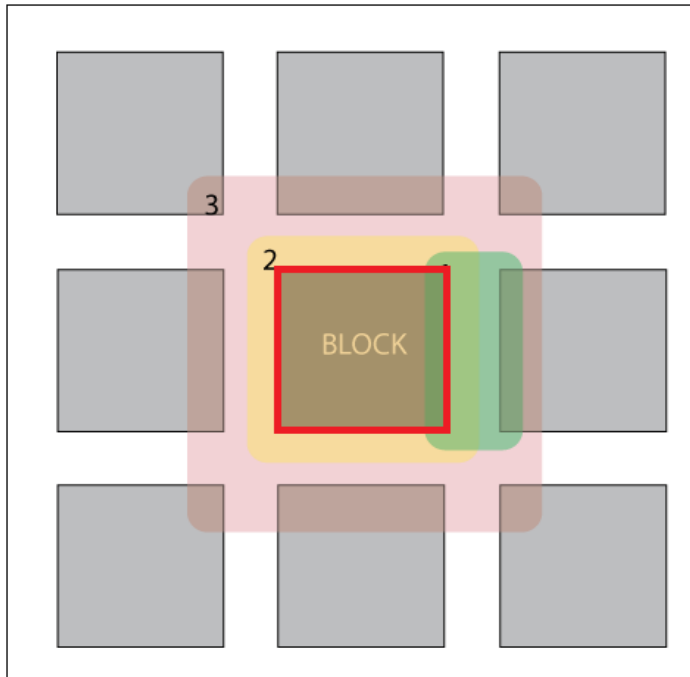
(proposed PROWAG-not enforceable standard)

- Scoping – How many must be accessible?
- Parallel:
 - Narrow ROW – End of block, near curb ramp;
 - Wide ROW – 5 ft. access aisle and curb ramp;
- Angled or perpendicular – 8 ft. access aisle;
- Meters and kiosks – must meet operable parts requirements;
- Signage required.

On-Street Parking

proposed PROWAG Scoping

(not an enforceable standard)



Total Number of Marked or Metered Parking Spaces on the Block Perimeter	Minimum Required Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 and over	4% of total

Graphics from the proposed PROWAG

- Number of accessible spaces is based on total marked or metered spaces on a block perimeter;
- Scoping Section R214.

Transit



Photos: MAnderson



Transportation Facilities

- Bus Boarding and Alighting Areas (810.2)
- Bus Shelters (810.3)
- Bus Signs (810.4)



Photos from the
Access Board



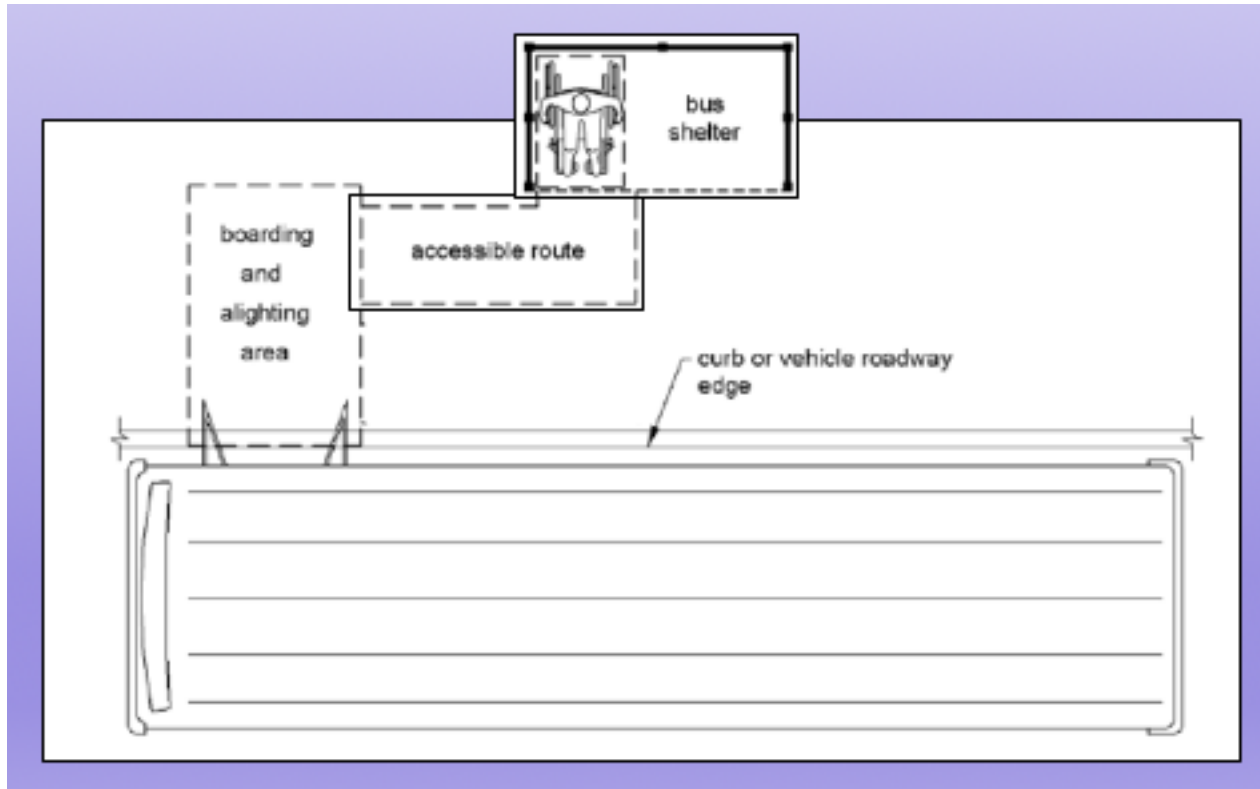
**US DOT 2006 ADA Standards for
Transportation Facilities**

Transit Facility Basics

- Accessible route – To the stop, to the shelter, to the boarding and alighting area;
- Boarding and alighting area – 5 ft. x 8 ft.;
- Clear space within shelter;
- Route signs must meet character requirements.

Clear Space and Access

(DOT ADA Standards (49 CFR Parts 27, 37))



Graphic from the Access Board

- Space for wheelchair entirely within shelter
 - Accessible route connection to boarding/alighting area
- Section 810.3

Available Resources

- FHWA - www.fhwa.dot.gov/civilrights
- US Access Board - www.access-board.gov
- US DOJ - www.ada.gov
- ADA National Network – www.adata.org
- Training: [FHWA Resource Center](#)

Questions?

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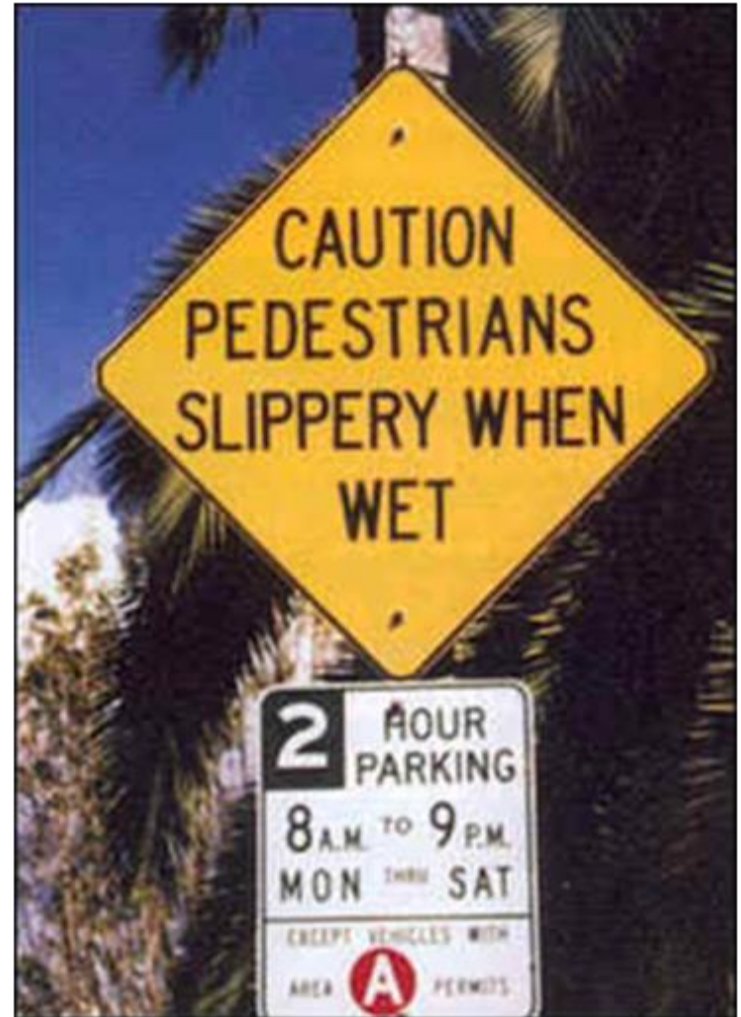


Photo: Access Board