ADA Checklist

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THE MISSOURI BAR
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ADA is Civil Rights Law

- **Enforced by the US Department of Justice**
  - **Protection from discrimination**
  - **Provides access to services, programs and activities**
  - **Ensures Effective Communication**

- **Reasonable Accommodations**
- **Removal of Barriers**



Kinney v. Yerusalim (1993)

ADA & Section 504:
Alteration Projects

- 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).

- ✓ **Curb Ramps**
- ✓ **Sloped Areas**
- ✓ **Barriers to Access**
- ✓ **Detectable Warnings**

ADA Checklist

Barden v. Sacramento (2002)



Barden alleged:

Sacramento violated Title II ADA, Sect 504, and various California Statutes requiring access for persons with disabilities …

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Barden v. Sacramento (2002)



Sacramento argued saying: sidewalks are not a "program, service, or activity" so ADA does not apply

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Barden v. Sacramento (2002)



Appeals Court Opinion (June 12, 2002):

YES. Sidewalks ARE INDEED a service, program or activity …

AND

Accordingly, sidewalks are subject to program accessibility regulations …

Barden v. Sacramento (2002)

Appeals Court Opinion (June 12, 2002):

"Section 35.150's requirement of curb ramps in all pedestrian walkways reveals a general concern for the accessibility of public sidewalks, as well as a recognition that sidewalks fall within ADA's coverage, and [ADA] would be meaningless if the sidewalks between the curb ramps were inaccessible."

Barden v. Sacramento (2002)



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Barden v. Sacramento (2002)

Sacramento Settlement Agreement:

20% of its Transportation Fund

For up to 30 Years,

or until it can show that it provides Program Access to Pedestrian Rights of way in the City of Sacramento.

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Lonberg v. City of Riverside (2006)

Case No. EDCV 97-0237-SGL (AJWx) **OPINION**

"Simply put, **because of the City's failure to construct accessible curb ramps and sidewalks, Plaintiff** is being denied the ability to easily access a variety of government, commercial, and residential areas of the City, including the sidewalks themselves, and thereby **is denied the ability to become a self-reliant member of the community.** This is precisely the type of discrimination that the ADA and California's accessibility laws were designed to address."

Lonberg v. City of Riverside

Case No. 06-55781

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 @ **$1,000.00 ea** 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 **@ $5,000.00 ea** damages **=> $40,000.00**

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Chicago agrees to Pay "Largest ADA Curb Ramp Settlement Ever" 2007

In a settlement, the city agreed to pay $50,000,000 in New Money toward ADA improvements.

Transition Plan Elements:

Transition plan elements:

- Timely self-evaluation
- solicit input from stakeholders
- inventory existing and missing curb ramps
- set up procedure and budget to install over four year period.

Meaningful Access

Meaningful Access:

Operate each service, program or activity so that service program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

Notable Case: Los Angeles

- L.A. agrees to spend 1.3 billion to fix sidewalks in ADA case in 2016.
- 2017 headline "Los Angeles isn't keeping up with flood of requests to fix broken sidewalks"

ADA Checklist

Seattle Department of Transportation

- **Seattle Department of Transportation building 500 to 1000 curb ramps per year.**
- **People with disabilities can request ramps at specific locations.**
- **At least 40,000 sidewalk "ends" without curb ramps.**

Oregon Study

- Settlement with "Disability Rights Oregon".
- Found that 97% of 26,000 ramps not ADA compliant.
- 10 Oregon counties did not have even one compliant ramp.
- "Their culture is that the ADA is something to get around…it's an agency that wants to build highways and sees this as sort of a distraction."

Lessons Learned

- **Don't ignore Complaints:**
  - **Sidewalks**
  - **Curb ramps**
  - **Steep paths**
  - **Parking lots**

Lessons Learned

- **Interact with Stakeholders.**
- **Provide Meaningful Access at the very least.**
- **Conduct Self Evaluation-Department of Justice often first "encourages" what will happen later.**



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ADA Outdoor Experience

Experience the difficulties present in the built environment

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Missouri Society of Professional Engineers

ADA Coordinator Training Certification Program

School of Health Professions

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Pedestrian Access Routes



Think of PAR as another lane of traffic…

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DOJ-DOT Joint TA Memo, 2013

Pavement Treatment Types (Maintenance vs. Alteration)

MAINTENANCE

Chip Seals	Fog Seals	Scrub Sealing
Crack Filling and Sealing	Joint Crack Seals	Slurry Seals
Diamond Grinding	Joint repairs	Spot High-Friction Treatments
Dowel Bar Retrofit	Pavement Patching	Surface Sealing

ALTERATION

Addition of New Layer of Asphalt	Mill & Fill / Mill & Overlay
Cape Seals	New Construction
Hot In-Place Recycling	Open-graded Surface Course
Microsurfacing / Thin-Lift Overlay	Rehabilitation and Reconstruction

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Pedestrian Access Routes



ADA reminders:

- 2, 5, 8.33
- Cross Slope – Width
- Curb Ramps
- Detectable Warnings
- Approach Space & Buttons
- 0 Inch, ¼ Inch, ½ Inch, >½ Inch
- Roadway Grade Exception
- 15 Foot Rule

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Sidewalk Cross Slope

- Cross slope shall be 2 percent maximum.
- 2010 ADA/ABA allows for up to ¼ inch per foot (2.08%)
  - (Roadway Grade Exception can apply)
- Cross Slopes shall be measured using a calibrated 2 foot long digital level.





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Pedestrian Access Routes



- Minimum of 4 foot wide unobstructed, continuous clear space
  - ✓ Does not include top of curb!

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Pedestrian Access Routes



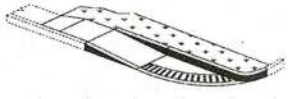
- Raised islands in crosswalks shall be cut through level with the street or have curb ramps at both sides.
- All median island passage spaces shall provide a clear width of 5 feet minimum.

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Curb Ramps

- The clear width of ramps, excluding the flares, shall be 4 feet minimum.
- Ramp runs shall have a running slope between 5 percent minimum and 8.33 percent maximum, but shall not require the ramp to exceed 15 feet.





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Detectable Warning Devices

- Where there is a flush connection to the street or and highway
- Commercial driveways that have traffic control devices and act like streets
- Not required at private driveways





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Detectable Warning Devices



- For Rail Crossings:
  - ✓ DW shall be located 6 feet min to 15 feet max from nearest rail.
  - ✓ Rows of domes aligned in the direction of wheelchair travel

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Accessible Pedestrian Signals





- Each crosswalk with pe trian signal indication shall ha ssible pedestrian si des audible a ions of the
- W is pro rated into the acce n signal.



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Accessible Pedestrian Signals

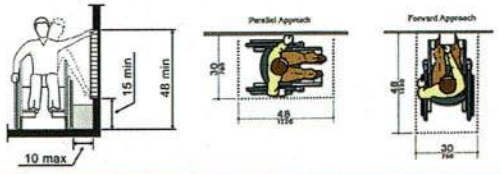


- APS shall be located so that the vibrotactile feature can be contacted from the level landing serving the curb ramp, if provided, or from the clear floor space that is in line with the crosswalk line adjacent to the vehicle stop line.

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Accessible Pedestrian Signals

- APS shall be located within a reach range complying with PROWAG R404
- Clear ground or floor space shall be provided at the pushbutton and shall connect to or overlap the PAR



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Accessible Pedestrian Signals



- The control face of the pushbuttons is installed parallel to the direction of the crosswalk it serves.
  - Within 5 feet of the crosswalk lines
  - 18 inches min from the curb
  - 6 foot max from the curb
  - OR up to 10 (MUTCD)

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Changes in Level



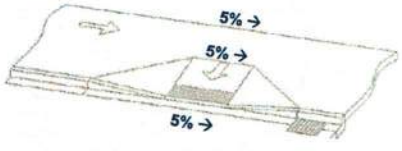
- Changes in level of ¼ inch high maximum shall be permitted to be vertical
- ¼ inch to ½ inch shall be bevelled not steeper than 1v:2h
- Bevel shall be applied across the entire level change
- Changes in level greater than ½ inch shall be ramp grade or flatter



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Roadway Grade Exception

The grade of the PAR is permitted to equal the general grade established for the adjacent street or highway. In the case below, the cross slope of the ramp would also be allowed to also match the roadway grade.



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Curb Ramps – 15 Foot Rule



<u>15 Foot Rule:</u> The running slope for a curb ramp is not limited to 8.33 percent maximum if the constructed curb ramp length exceeds 15 feet in length.

ADA Outdoor Experience

The Outdoor Experience - KCITE



This is approximately a 2 hour walking tour that will cover around 2 miles.

We will pair up into Teams

You will have about 20 minutes as a user and about 20 minutes as safety spotter with each device.



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Alternate Circulation Path



- Shall contain a PAR
- Shall be on same side of the street to the max extent feasible

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Alternate Circulation Path



- Where exposed to construction or traffic hazards, it shall be protected with a pedestrian barricade or channelizing device complying with MUTCD 6F

ADA Outdoor Experience

Alternate Circulation Path



- Pedestrian barricades and channelizing devices shall be continuous, stable, and non-flexible and shall consist of a wall fence or enclosures specified in MUTCD 6F.

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Alternate Circulation Path



- A detectable continuous bottom edge shall be provided 2 inches maximum above the ground or walkway surface
- Devices shall provide a continuous surface or upper rail no lower than 32 inches above the walkway

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Alternate Circulation Path

- Support members shall not protrude into the alternate circulation path

