Public Rights of Way

Making The Way Right for the Public
PROWAG Part 1

Laws and Regulations
Public Rights of Way Accessibility Guidelines and Requirements
Why Was ADA Necessary?

- At the time ... 43,000,000 people with disabilities in the US (now, 59,000,000)
- Only 12% were employed
- Of the 88% unemployed, 80% wanted to work and were considered employable
- Develop sustainable communities
Previous Regulations

- Architectural Barriers Act (ABA)
- Rehabilitation Act of 1973, specifically Section 504
Architectural Barriers Act (ABA) of 1968

Requires that buildings and facilities that are designed, constructed, or altered with Federal funds, or leased by a Federal Agency, comply with Federal standards for physical accessibility.
Rehabilitation Act of 1973

Included several sections. The section Title II entities must be aware of today is Section 504.
504 Covers:

- Programs
- Services
- Activities
DOJ has Determined:

- Sidewalks are programs
- Curb ramps are programs
Legal Cases Have Confirmed It
ADA Is an Employment Based, Civil Rights Law
Applies To ALL Commercial Facilities and Places of Public Accommodation
Authority to Individual States

- States are given a choice
- Texas uses the federal ADAAG Standards adopted as a State standard
The State Laws Are Construction Laws
Construction Laws:

- You aren’t required to do a thing to remove barriers until construction activity occurs
- What you do determines what you’re required to do toward compliance.
Federal Laws:

- Building owners are required to be removing barriers every year until all barriers are removed, regardless of planned construction.
- The Department of Justice has initiated the priority for barrier removal.
- NOBODY IS GRANDFATHERED!
• The courts will apply a 20% rule to construction projects and accumulate it over time.

• CLOSE ENOUGH IS NOT GOOD ENOUGH!
Let’s talk about the PROW Draft Guidelines (PROWAG)

- Preamble
- Regulatory Assessment
- Text of the Proposed Rule
  - Technical Provisions
  - Advisory Notes
  - Illustrations
Supplemental Notice of Proposed Rulemaking

Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way; Shared Use Paths (2013)

Incorporates shared use path guidelines into the 2011 PROWAG (web only)
Rulemaking Update

- Draft of the Final Rule has been presented to the Board
- Will be submitted to the Office of Management and Budget for review
- Goal is to publish the Final Rule in 2016

The Department of Justice and Department of Transportation must adopt
No Standards for the Right of Way??

FHWA Memo 1/23/06

Public Right of Way Accessibility Guidelines (PROWAG) –

“recommended best practices, and can be considered the state of the practice that could be followed for areas not fully addressed by the present ADAAG standards”
What can State and Local Agencies do in the meantime?

- Policy
- Standards
- Education
- Enforcement at local level
Texas has Officially Adopted PROWAG!

Therefore, the federal time line doesn’t mean much to you.

You need to comply now.
Types of Pedestrian Facilities

- Sidewalks
- Shared-use Paths
- Shoulders
PAR vs. SUP vs. Trails

Pedestrian Access Route
Pedestrians only

Shared Use Path
Pedestrians and bikes

Trail Pedestrian recreation
Surfaces
Surfaces

Surface requirements:
- Firm, stable, and slip-resistant
- No large openings or gaps

Desired:
Smooth and free of rough textures
Properly installed and well maintained brick can work.
Surfaces

Sometimes it is all about how its installed or the material choice
Shared Use Paths and Trails

- Loose surface materials:
- Generally need special treatment (e.g., binders, consolidants, compaction, and grid forms)
- Frequent maintenance

NCA’s website - http://www.ncaonline.org/
Pedestrian Access Route (PAR)

Changes in level provisions – does not apply to grade breaks
Pedestrian Access Route (PAR)

Horizontal openings no more than ½ inch in the direction of travel
Pedestrian Access Route (PAR)

Flange way gap provision for light rail and freight rail at pedestrian rail grade crossing
Pedestrian Access Route (PAR) Width

Width - 4 feet minimum exclusive of the curb
Pedestrian Access Route (PAR) Width
Pedestrian Access Route (PAR) Width

Continues around all obstructions
Pedestrian Access Route (PAR)  
Running slope

Running slope - can follow adjacent roadway grade
Pedestrian Access Route (PAR) Running slope

What it looks like if the building guidelines are applied
Pedestrian Access Route (PAR)  
Cross slope

• 0% best for wheelchair users
• Some slope needed for drainage
• Max cross slope 2%
• Design accordingly

2% cross slope max
Pedestrian Access Route (PAR)

Cross Slope: 2% maximum
Pedestrian Access Route (PAR)

Building entrance elevations create problems
Pedestrian Access Route (PAR)

Building entrance elevations create problems
Pedestrian Access Route (PAR)

If you have the space this can work
Pedestrian Circulation Path

Interesting solution –
Circulation path vs PAR
Pedestrian Circulation Area

No protruding objects the entire width
Protruding Objects
Alternate Pedestrian Access Routes and Work Zones
Alternate PAR

Pedestrian delineation with a continuous detectable edge
Alternate PAR

Pedestrian delineation with a continuous detectable edge
Curb Ramps and Blended Transitions
Curb Ramp Basics

- 4’ minimum width
- 1:12, or 8.3%, max running slope (with length limit as exception to slope limit);
- 1:48, or 2%, max cross slope with exceptions for some crossings;
- Turning space at the top of perpendicular curb ramp and the bottom of a parallel curb ramp;
Curb Ramp Basics

- Perpendicular grade breaks;
- Flush transitions (no lips);
- Clear space at the bottom outside of travel lane;
- 24” min detectable warning on curb ramps and blended transitions
Anatomy of a Curb Ramp

The ‘cookie cutter’ curb ramp
Curb Ramps

- Maximum curb ramp slope 1:12 (8.3%)
- When ‘chasing grade,’ the curb ramp length is not required to exceed 15 feet.
- Consistent slope
Perpendicular Curb Ramps

Perpendicular to the curb or street being crossed
Curb Ramps

Turning space is required at the top of curb ramps for changing direction (4’ x 4’ min)
Parallel Curb Ramp

Parallel to the curb or street being crossed
Curb Ramps & Blended Transitions

A ramp for each street crossing
Curb Ramps & Blended Transitions

Perpendicular

Parallel

Blended Transition
Steps at Corner: Before

Sometimes it’s tough!
But it CAN be done!
Curb Ramps
What’s New?
Curb Ramps

- Counter slopes of adjoining gutters and road surfaces immediately adjacent to the curb ramp shall not be steeper than 1:20.

- Adjacent surfaces at transitions shall be the same level.

- Landings are required at curb ramps and must be 36” deep.
Detectable Warning Devices
Detectable Warning Devices

Provide warning to the visually impaired that they are about to enter a hazardous area

- Required at all street crossings, railroad and boarding platforms - driveways??
- Raised domes with in-line or radial arrangement
- 24” min. and full width of curb ramp
- Contrasting in color
- FHWA Memo
Detectable Warning Devices

- Place DW on curb ramp at grade break if the level landing at bottom of ramp is less than 5’ deep.
- Place DW on bottom landing if landing is more than 5’ deep at any point.
Pedestrian Crossings

- Continuation of PAR
- Walking Speed – 3.5 ft/sec
Pedestrian Crossings

- The guidelines do not tell you when to mark
- Or how to mark (look at MUTCD part 3)
These are all over America
Accessible Signals
Accessible Pedestrian Signals

— www.apsguide.org
Pedestrian Push Button Location

Location

- Reachable from level landing
- Accessible route to ramp
- 5 ft from the crosswalk
- 1.5-6 ft from edge of curb or pavement

See MUTCD Fig. 4E-4
Accessible Pedestrian Signals
Reach Ranges

Max. Reach – 48”
Min. Reach – 15”
(forward & side)

Side reach within 10”
Accessible Pedestrian Signals
Consistency is important!

**Button**
- Face of button parallel to crosswalk
- Mounted at 42” (48” max)
- Max. 5 lbs pressure needed to activate

**Sign**
- Adjacent to button – explains purpose and use
- Must clearly indicate crosswalk direction
Transit Stops and Shelters
Transit Stops & Shelters

- Connect boarding areas and shelters to a pedestrian access route
- Clear space in shelter if seating is provided
Transit Stops & Shelters

Connect boarding areas and shelters and pedestrian network with a PAR
On-Street Parking
On-Street Parking

- Number of accessible spaces is based upon total on a block perimeter
- Marked or metered only
- Scoping Section R214
On-Street Parking

Where the width of the adjacent sidewalk or available right-of-way exceeds 14 ft. an access aisle is required.
On-Street Parking

Narrow sidewalks – an access aisle is not required
On-Street Parking

Angled (or perpendicular) on-street parking
On-Street Parking

- Information must be visible from a point 3.3 ft. max above the center of the clear space
- Meet operable parts requirements
- Located at the head or foot of space

Parking meters
Each altered element must be accessible to and usable by people with disabilities, to the maximum extent feasible.
Complaints are measured by function, usability and willingness:

Equivalent Facilitation is recognized
Accessibility Obligations

- **New construction** is required to meet current standards

- **Alterations** to existing facilities must be accessible to the maximum extent feasible within the scope of the project

- **Existing facilities** that have not been altered cannot deny access to persons with disabilities
Alterations

- In alterations, it may not be possible to meet all of the accessibility requirements
- Follow new construction provisions to the maximum extent possible
Alterations

• Accessible to the **maximum extent feasible**....... 

• ........within the scope of the project 

• Document, Document, Document!
Analyzing Accessibility Alternatives

Several potential solutions may be available, here’s a generic two step process to make the decision on accessibility alternatives:

**FIRST:** Consider using work-around alternatives that won’t affect usability for people with disabilities.
Be Realistic – Think it through!

- The lip at the bottom of a curb ramp can be hidden by pooling water or other means and can be a danger to a person with a mobility device, whereas:
- The flared side is not part of the required access route so it can be altered with little significance to access.
Counter slopes and level changes are a liability
How do you know if you Maximized Accessibility?

A citizen may have one idea, the designer another idea and the engineer yet another idea on how to solve an access problem.

What do you choose?
Whichever provides the MOST access!
Best Practices

• Accessible design is a safety best practice.
• Installation of APS devices is safer for everyone, especially with low or no vision.
• Detectable warnings replace curbs so people know there’s a vehicular hazard ahead
• Wheelchair users are safer when all four wheels are on the ground, smooth transitions avoid dangerous conditions.

• Steep slopes and cross slopes are also a danger to those with mobility aides or bad balance

• Heaving or broken sidewalks are also dangerous
Accessible routes are required to be maintained in an accessible condition.
Exterior Violations Are The Cause of The Majority of The ADA Law Suits