The NH Complete Streets Conference

Americans with Disabilities Act (ADA)

Presented by Sandt Michener
ADA Title II Coordinator – NHDOT

19 October 2018
Today’s Presentation

- Americans with Disabilities Act (ADA)
- Municipal Requirements for ADA
- Self-evaluation
- ADA Transition Plan
- Inventory Collection - SADES
- ADA Curb Ramps
- Accessible Pedestrian Signals (APS)
The Americans with Disabilities Act

• The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities.

• Provides protections similar to those provided to individuals on the basis of race, color, sex, national origin, age and religion.
The ADA

Title I: Employment

Title II: Public Transportation and State and Local Government Services

Title III: Places of Public Accommodations

Title IV: Telecommunications

Title V: Miscellaneous
Equality in Access

The primary responsibility of public agencies with regard to the ADA is to provide equal access to PROGRAMS, SERVICES, & ACTIVITIES.
Why ADA should matter to you?

• It’s the right thing to do.
• Some 12.8% of Americans are disabled. (2016 Disability Status Report)
  (12.8% in NH of all ages, 2016 Disability Status Report)
• Some disabilities are temporary and can affect anyone briefly.
• Desire to encourage and welcome visitors to the state, to your town.
• It’s the law.
Litigation is very expensive...

The best time to learn about ADA requirements is before you have to.
ADA Transition Plan/Self Evaluation

• Any public entity with 50 or more employees is required to complete a Self-Evaluation and a Transition Plan.

• A Self-Evaluation identifies barriers in programs, facilities and activities that prevents persons with disabilities from access.
ADA Transition Plan (TP)

- Approximately 125 cities and towns in NH with more than 50 employees require a TP.
- Public entities with fewer than 50 employees must still conduct an evaluation of their programs and facilities to ensure accessibility.
- All public entities regardless of the number of employees must conduct a self-evaluation of their current policies and practices to identify and correct any that are not consistent with the ADA requirements.
ADA Transition Plan (TP)

- At a minimum a TP must...
  - Identify an ADA Coordinator
  - Identify Grievance Procedures
  - Develop/Adopt Design Standards
  - Identify Public Involvement Opportunities
  - Identify Barriers to Access
  - Identify Plan to Remove Barriers
  - Reevaluation Schedule
ADA Inventory Collection

- **Statewide Asset Data Exchange System - SADES**
- Developed by the Technology Transfer Center (T²) at UNH & other stakeholders
- Work with your RPC/MPO
- Ipad training supplied by T²
- Collected data complied into accessible statewide composite map
SADES
SADES - Sidewalks

SADES_Sidewalks: Hillsborough

- Length: 269.8 ft
- Assessment Date: 9/17/2018 3:37 PM
- Name and Organization: Sandt DOT
- Town/City Name: Hillsborough
- Road Name: Bridge Street

- Side of Street: East
- Maintained by: Unknown
- Repair/Reconstruction Date

- Surface Material: Asphalt
- Sidewalk Condition: Poor
- Surface Defects: Missing Material
- Curb type
SADES – Curb Ramps

Location
Lat: 43.11484589° Long: -71.89507181°

SADES_Curb_Ramps: Hillsborough
Hillsborough

Assessment Date
5/31/2018 2:53 PM

Collector Name/Org.
Sandt DOT

Town/City Name
Hillsborough

Road Name
W Main Street

Ramp Type
Parallel

Surface Material
Concrete

Curb Ramp Condition
Fair

Crosswalk Exists
Yes

Conditions On/Off Ramp are Flush
Yes

Detectable Warnings Present
Yes
SADES - Crosswalks
SADES – Pedestrian Signals
ADA Curb Ramps
Title II – New Construction

New Construction 28 CFR 35.151

• New construction must be designed and constructed to be accessible to and usable by persons with disabilities to the maximum extent possible without regard for cost or funding source
Title II - Alterations

Alterations – 28 CFR 35.151

• Alterations to existing facilities, within the scope and limits of a project, must provide usability to the extent practicable without regard for cost or funding source

• Roadway resurfacing triggers requirement for curb ramp installations/retrofits
Alterations Triggers ADA Improvements

28 C.F.R. § 35.151(b) Alterations have to be made readily accessible, within the impacting project, to the maximum extent feasible. Kinney v. Yerusallim - Court held that the resurfacing constituted an alteration
DOJ/DOT Joint Technical Assistance (TA)

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

U.S. Department of Transportation
Federal Highway Administration

Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing
DOJ/DOT Joint Technical Assistance (TA)

Distinguishes alterations from maintenance based on the type of road treatment

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

### ALTERATION
- Addition of New Layer of Asphalt
- Cape Seals
- Hot In-Place Recycling
- Microsurfacing / Thin-Lift Overlay
- Mill & Fill / Mill & Overlay
- New Construction
- Open-graded Surface Course
- Rehabilitation and Reconstruction
DOJ/DOT Joint Technical Assistance (TA)

This is a single Federal policy that identifies specific pavement treatments that are alterations:

- Alterations require the installation of curb ramps at the time of the physical improvement or before
- Maintenance applications do not require curb ramps improvements at the time of the maintenance
Pavement Treatment Types
(Maintenance vs. Alteration)

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

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

1:50 ⇒ 2%
Maximum Sidewalk Cross Slope
Typical Street Cross Slope (Crown)

1:12 ⇒ 8.33%
Maximum Ramp Slope
(running slope)

1:20 ⇒ 5%
Beyond This Slope – Becomes a Ramp
(running slope)
Pedestrian Zone / Circulation Path

“Pedestrian Access Route” (PAR) can follow adjacent roadway grade (PROWAG R302.5)
Pedestrian Zone / Circulation Path

What it looks like if 2010 ADA Standards are applied
Curb Ramp Slope / Grade

• When “chasing grade” where steep terrain is a factor, ramp length need not exceed 15’, but slope must be uniform (PROWAG)
  (2010 DOJ Standard does not allow chasing of grade)

• 15’ is acceptable for parallel or “transition” ramps
Curb Ramp Slope / Grade

Up to 15 feet
Curb ramps

- Visit sites early and identify challenging areas.
Curb ramps

- Running slope of ramp is 8.33% or less but shall not require the curb ramp length to exceed 15’ when chasing grade.
- 2% Maximum Cross Slope
Curb ramps

• No elevation differences greater than 1/4”
Curb ramps
Curb ramps
Curb ramps
Curb ramps
Curb ramps
Curb ramps
Curb ramp detectable warning devices

- NHDOT curb ramp specifications call for a concrete ramp with a **cast iron** ADA compliant product. Not plastic!
Curb ramps
Curb ramps
Curb ramps
Accessible Pedestrian Signals (APS)
ADA

• **Does not** require going back and reconstructing all intersections.

• **Does require** accessibility improvements when work is performed.

• When certain elements such as the signal controller and software are altered, or the signal head is replaced the accessibility features should also be upgraded to new construction standards to "the maximum extent feasible."
Why are APS needed?

• More complex signal operations
• Changes in intersection design
• Right on Red
• Increased Traffic Volumes
• Quieter cars
APS Features

• Pushbutton locator tones
• Audible walk indications
  • “Walk sign is on to cross Hazen”
• Vibrotactile walk indications
APS Features

- Tactile arrows
- Automatic volume adjustment
APS Design and Installation

Acceptable placement

Crosswalk B

Crosswalk A

Locate pushbutton
10 ft max.
from curb line
or edge of street

10 ft min.

Locate pushbutton less than 5 ft from crosswalk line extended

5 ft max.

Pushbutton pole may be a stub pole, or may also support pedhead

Symbol Key

Sound from pushbutton speaker
Pedhead (not shown for clarity)
Pushbutton-integrated APS
Pole

(Not to scale)

aps-int-04.dwg
APS Design and Installation

Acceptable placement

Crosswalk A

Crosswalk B

5 ft max.

Locate pushbutton less than 5 ft from crosswalk line extended

10 ft min.

Locate pushbutton

10 ft max.

from curb line or edge of street

Pushbutton pole may be a stub pole, or may also support pedhead

Symbol Key:
- Sound from pushbutton speaker
- Pedhead (not shown for clarity)
- Pushbutton-integrated APS
- Pole

(Not to scale)
APS Design and Installation

Acceptable placement

Crosswalk B

Locate pushbutton less than 5 ft from crosswalk line extended

5 ft max

Locate pushbutton from curb line or edge of street

10 ft max

10 ft min

Pushbutton pole may be a stub pole, or may also support pedhead

Symbol Key

Sound from pushbutton speaker
Pedhead (not shown for clarity)
Pushbutton-integrated APS
Pole

(Not to scale) aps-int-04.dwg
APS Design and Installation

Acceptable placement

Crosswalk A

Crosswalk B

Locate pushbutton less than 5 ft from crosswalk line extended

5 ft max.

Locate pushbutton 10 ft max.

from curb line or edge of street

Pushbutton pole may be a stub pole, or may also support pedhead

Symbol Key

Sound from pushbutton speaker
Pedhead (not shown for clarity)
Pushbutton-integrated APS
Pole

(Not to scale)

aps-int-04.dwg
APS Design and Installation

Acceptable placement

Crosswalk B

Locate pushbutton less than 5 ft from crosswalk line extended

Crosswalk A

Locate pushbutton 10 ft max. from curb line or edge of street

Pushbutton pole may be a stub pole, or may also support pedhead

Symbol Key:
- Sound from pushbutton speaker
- Pedhead (not shown for clarity)
- Pushbutton-integrated APS
- Pole

(Not to scale) aps-int-04.dwg
APS Design and Installation

Acceptable placement

Crosswalk B

Button height 42”

Crosswalk A

Locate pushbutton 10 ft max. from curb line or edge of street

Locate pushbutton less than 5 ft from crosswalk line extended

5 ft max.

10 ft min.

Pushbutton pole may be a stub pole, or may also support pedhead

Symbol Key:
- Sound from pushbutton speaker
- Pedhead (not shown for clarity)
- Pushbutton-integrated APS
- Pole

(Not to scale)

aps-int-04.dwg
APS Design and Installation
APS Design and Installation

Level (2% or less) all-weather surface
Centered on button, parallel or forward approach

32”x54”

(Not to scale)
Parallel Approach
Controls shall be within 10” of clear space

32”x54”
APS Design and Installation

Parallel Approach Controls shall be within 10” of clear space
APS Design and Installation
Forward Approach

Controls shall abut and be centered on clear space

APS Design and Installation

32” x 54”
What’s wrong with this installation?
What’s wrong with this?
ADA Compliance Resources

- Governor’s Commission on Disabilities 271-2772
- ADA Title II Action Guide for State and Local Governments: adaactionguide.org

Jay Ankenbrock
NHDOT Chief of Labor Compliance
Telephone: 603-271-2467
Email: john.ankenbrock@dot.nh.gov

Sandt Michener
NHDOT ADA Title II Coordinator
Telephone: 603-271-3736
Email: sandt.michener@dot.nh.gov
ADA Compliance Resources

ADA Title II Action Guide for State and Local Governments

New to Title II?
Read and understand the ADA Title II requirements to know what is important to you.

ADA Title II Requirements
- Introduction
- Who has Obligations
- Who is Protected
- General Non-discrimination
- Integration
- Effective Communication
- Building Accessibility
- Program Accessibility
- Web Accessibility
- Emergency Preparedness
- Public Elementary and Secondary Schools
- Public Pre-Secondary Schools
- Administrative Requirements
- Enforcement

Ready to take action?
Follow these action steps to become compliant with Title II of the ADA.

Step 1 - Start Implementation
Step 2 - Appoint an ADA Coordinator
Step 3 - Provide Public Notice
Step 4 - Adopt a Grievance Procedure
Step 5 - Conduct a Self-Evaluation
Step 6 - Develop a Transition Plan
Step 7 - Create an Action Plan

Resources
Best Practices
Title II Quiz
FAQs
Self Evaluation Forms
Sample Documents
Comments

or

Questions???