ADA Transition Plans: Design Standards

Presentation to AASHTO Standing Committee on Highways
November 2016
DOJ ADA Title II regulations require State and Local Governments to:

- Complete a self-evaluation of all facilities
- Develop & post of an ADA Policy Statement

For public entities with 50 or more employees*:

- Designate an ADA Coordinator
- Develop & post Grievance/Complaint Procedures
- Develop a Transition Plan

* No employee threshold under Section 504 regulations
Transition Plan: Methods

- Describe the methods that will be used to make existing facilities accessible
  - What standards does the agency follow?
  - Standard details in compliance?
  - How do you address accessibility issues in the absence of a Federal standard?
  - What is your process for making determinations regarding structural impracticability or technical infeasibility?
  - How do you incorporate complaints about a particular location into your process?
What Standard Applies?

- 2004 ABA/ADAAG
  - Written for Buildings and Sites (sites can be levelled)
  - Covers basic features also found in the right of way
    - Walkways (width, grade, cross slope, surfaces, etc.)
    - Curb ramps
  - Adopted by DOT in 2006, with modification to require detectable warnings
  - Adopted by DOJ in 2010 – “2010 ADA Standards”

- 2011 Draft PROWAG
  - Written for ROW projects (considers terrain)
  - Covers most features found in public ROW, including shared-use paths (added by 2013 SNPRM)
  - Final PROWAG anticipated in 2017
What Standard Applies?

- Agency Choice
  - Follow ADAAG
  - Use PROWAG as supplement for issues not covered by ADAAG
  - Adopt draft PROWAG as ‘equivalent facilitation’

- **Key Points:**
  - Don’t ‘cherry-pick’ from both guidelines
  - Entities have broad obligation not to discriminate, even if there’s no specific standard
How might these choices play out?
### ADAAG vs. PROWAG

<table>
<thead>
<tr>
<th>Feature</th>
<th>ADAAG</th>
<th>PROWAG</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Width</strong></td>
<td>3’ minimum</td>
<td>4’ minimum</td>
</tr>
<tr>
<td><strong>Grade</strong></td>
<td>5% max (403.3)</td>
<td>Follow general grade of roadway</td>
</tr>
<tr>
<td></td>
<td>5-8.3% with additional provisions (405):</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Level landings every 30&quot; rise</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Handrails</td>
<td></td>
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<tr>
<td></td>
<td>• Edge protection</td>
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*Both require passing space every 200’ if width is less than 5’*
ADAAG supplemented by PROWAG

- ADAAG doesn’t address roadway-specific elements
- Agencies have a broad obligation not to discriminate, even if there’s no specific standard.
- PROWAG provides best available guidance
  - On-street parking
  - Pedestrian signals [28 CFR 35.160(a)(1): Communication “as effective as communication with others”]
Questions/ Discussion