ADA - Mn/DOT’s Experience

January 20, 2011
“We’re just building a road, we’re not building a church.”
Applicable State and Federal Laws

• Minnesota Human Rights Act
• Architectural Barriers Acts of 1968
• Section 504 of the Rehabilitation Act of 1973
• Americans with Disabilities Act of 1990 (ADA) - 5 Titles
Transition Plan

• Required for public entities with more than 50 employees. 28 C.F.R. 35.105(c).

• Must allow input by disabled community

• **Identify existing facilities**, programs and services that limit access for persons with disabilities.

• **Describe methods** to be used to make those facilities/programs/services accessible.

• **Specify schedule** for making non-compliant facilities/programs/services accessible by prioritizing needs of persons with disabilities.

• Identify official responsible for seeing that plan is implemented [ADA Coordinator].
The Cost of Noncompliance

• Can be significant fiscally and in terms of public trust

• Barden v. Sacramento (2004):
  Court ruled that public entities must address accessibility barriers to and along sidewalks
  - Settlement requires city to spend 20\% of its entire transportation budget to make the public right-of-way accessible ... for 30 years

• Penn DOT will reconstruct all curb cuts (117K) at a cost of $882 million over the next ten years

• City of Chicago was forced to spend $140 Million over 5 years for ADA Improvements
Pedestrian Facilities Inventory

• This year Mn/DOT inventoried nearly all pedestrian ramps, signals, and crosswalks
  – Roughly 50% are non compliant based solely on running slope and cross slope

• Next year Mn/DOT will be assessing sidewalks

• Inventory will:
  – Determine magnitude of ADA needs $$$$ 
  – Help prioritize schedule of upgrades 
  – Assist in future Scoping of Projects
Scoping

• Early Discussions with Local Agencies
  - Agreements
  - Future Projects/Comprehensive Pedestrian Plans

• Broaden Project Scope to achieve desired results
  - Focus has been on curb ramps (tech memo)
  - Sidewalks, Driveways, Vertical Discontinuities, Cross Slopes, Condition, Signals

• List Secondary work types in PPMS even if a minimal part of the project
  - Sidewalk, Curb and Gutter, Ped/Bike Improvement, Ped/Bike Trail, Ped/Bike Bridge, Pedestrian Ramps, Signals
Tech Memos

- Adoption of Public Right Of Way Accessibility Guidelines (PROWAG)
- ADA requires curb ramp upgrades when altering pavement structure in the pedestrian crossing
- All new signals/signal rebuilds include installation of Accessible Pedestrian Signals (APS)
Last season’s accomplishments

- Dedicated three engineers to statewide ADA Program
- Curb Ramp Guidelines
  - [http://www.dot.state.mn.us/ada/documents/curbramp.pdf](http://www.dot.state.mn.us/ada/documents/curbramp.pdf)
- Performance based Special Provisions
- Dedicated ADA funding - $2.5M/year
- Completed Transition Plan
  - [http://www.dot.state.mn.us/ada/documents/transitionfinal.docx](http://www.dot.state.mn.us/ada/documents/transitionfinal.docx)
- Revision of Standard Plate 7036, 7038 and 7035
• Issued in March 2011

• 4' x 4' minimum landing with maximum 2.0% cross slope in all directions is REQUIRED – not desirable

• Ramp lengths dependant on grades, not dimensions

• Diagonal orientation STRONGLY discouraged
Standard Plate 7038A

- Approved on August 23rd, 2010
- Includes both rectangular and radial detectable warning surfaces
- Radial detectable warnings must accommodate existing radius dimensions to nearest 5’ increment
• Issued in March 2011

• Maintain a 4’ minimum Pedestrian Access Route (PAR)

• 2.0% maximum Cross Slope

• 6” Concrete Walk thickness at quadrants
What we’re working on

• Informal Internal Training
• Formal Statewide Training this summer
• Statewide Consistency
• Working with ADA Stakeholder Committee
• TPAR – Temporary Pedestrian Access Route
• Project Scoping, Right of Way Issues, Maintenance, Agreements and Partnering
• Standard Plans
Right-of-Way
Right-of-Way

- If time allows and project includes ROW acquisition, ROW should be acquired if needed to improve pedestrian facilities

- Obtain Commissioner’s Orders as needed to extend work limits on all side streets

- If possible, obtain permits to construct with individual property owners

- V-Curb can be utilized to hold adjacent ground while staying within existing ROW
What we’re learning

- PROWAG is difficult to apply in the field, especially in retrofit situations
What we’re learning

• PROWAG is difficult to apply in the field, especially in retrofit situations
• Standard designs cannot be applied everywhere
• Scope of project helps determine chance of success
What we’re learning

• PROWAG is difficult to apply in the field, especially in retrofit situations
• Standard designs cannot be applied everywhere
• Scope of project helps determine chance of success
• Directionality cannot be achieved in every situation
What we’re learning

- PROWAG is difficult to apply in the field, especially in retrofit situations
- Standard designs cannot be applied everywhere
- Scope of project helps determine chance of success
- Directionality cannot be achieved in every situation
- Need for Contractor training
- In certain situations do the best you can
This elevation must be matched