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Project Development Design Pedestrian Accessible Design Requirements

www.fhwa.dot.gov/federal-aidessentials

Federal law requires all new construction and alterations of existing facilities to be made accessible to people with disabilities



Many of us take for granted how easy it is to leave home to go to the park, the doctor's office, school, or work, the everyday activities of our lives. We seldom pay much attention to the sidewalks within the public right of way that we use to get around. However, people with disabilities may find these very same sidewalks barriers that take away their travel options.



These barriers make it difficult or even impossible to go where they want to go, to do what they need to do.

This is one reason why

Federal laws were created, to help people with disabilities exercise their right to participate in the activities of daily life. The Americans with Disabilities Act, which is commonly referred to as the ADA, and Section 504 of the Rehabilitation Act, simply known as Section 504, are the Federal laws designed to prevent discrimination against people with disabilities.

To prevent this from happening, we want to provide you with some important information about accessible design requirements on Federal-aid projects. We will define what accessibility means, describe basic accessibility standards, and provide recommendations for how to comply with these two Federal laws.



The ADA and Section 504 govern the design of pedestrian facilities such as sidewalks and curb ramps within the public

right-of-way to ensure all users have access. To comply with these laws, every Federal-aid project

that either alters existing or constructs new pedestrian facilities must be designed and constructed so that these facilities are accessible to people with disabilities. Designs for your local construction projects must consider the impact on the pedestrian facilities that will be affected by the proposed construction. The ADA does not require agencies to construct new pedestrian facilities, but if they do, those facilities must be accessible

Newly constructed facilities must be accessible to all pedestrians

to all pedestrians.

To provide access to all persons, design the pedestrian facilities on your projects in accordance with the guidelines developed by the United States Access Board. The U.S. Department of Transportation or U.S. DOT has adopted, with modifications, the U.S. Access Board's 2004 Americans with Disabilities Act Accessibility Guidelines, or ADAAG, as the standard for all Federal-aid projects. These requirements address details such as the width and slope of sidewalks and transitions between crosswalks and sidewalks.

Section 504 regulations specifically require the installation of detectable warnings. Detectable warnings are installed to help people with visual disabilities recognize when they are leaving the sidewalk and crossing a road or busy driveway. The requirement for installing detectable warnings is the modification to the 2004



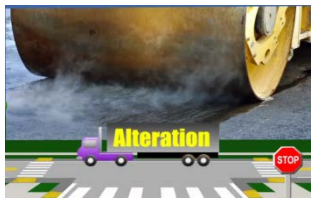
ADAAG adopted by the U.S. DOT.

The 2004 ADAAG was originally written specifically for site and building construction. However, it also provides design standards for sidewalks and curb ramps. These standards are used as minimum deciding requirements for Federal-aid highway projects. Since the ADAAG does not address some aspects of pedestrian facilities within the public right of way, agencies should develop a reasonable policy and consistently apply it.

The absence of a standard does not relieve agencies of their responsibility for accessible design. The Access Board is finalizing the Public Rights-of-Way Accessibility Guidelines, or the PROWAG, which was created specifically for the pedestrian environment. To achieve accessible design, agencies may use any draft version of the PROWAG as a best practice. But they are not required to do so until it has been finalized by the Access Board and adopted either by the U.S. Department of Justice, or the U.S. DOT.

Accessible design requirements not only apply to new construction or reconstruction projects, but also apply if your project is considered an alteration. Types of projects that may be considered alterations include resurfacing, road widening, or even traffic signal improvements. A project that impacts curb cuts, median strips, ramps, sidewalks, pedestrian crosswalks, or parking spaces also may be considered an alteration.

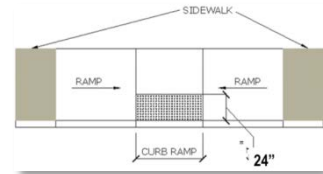
For example, the scope of many Federal-aid highway projects is limited to the resurfacing of the road without affecting anything beyond the curb. However, this type of project affects the pedestrian crosswalks that connect adjacent sidewalks if they exist. Projects such as these are often considered an alteration, which triggers the requirement to bring any deficient curb ramps up to standard. The definition of what an alteration is may vary from location to location, depending on local estate policies and court rulings.



Many simple resurfacing or pavement preservation projects will be considered

alterations. If it is a Federal-aid project and the appropriate accessible sidewalk or curb ramp improvements aren't included, Federal requirements won't allow the project to proceed to construction. This can be resolved by incorporating accessible pedestrian features in the project scope and design to achieve compliance with accessible design requirements. Doing this helps eliminate barriers for people with disabilities.

By law, your Federal-aid project must be made ADA compliant as long as it is considered feasible from an engineering



perspective, no matter how large or small the cost. If you encounter a challenging situation during the design of your Federal-aid highway project and conclude you cannot apply these standards reach out to your State DOT for assistance as early as possible. There are examples of local agencies having to remove and replace newly constructed pedestrian facilities or even being sued because they did not comply with the ADA. So consider these choices carefully.

Finally your project plans must describe how the 2004 ADAAG, coupled with the U.S. DOT modification standard will be met during construction. When you request authorization to advance your federal aid project to construction, the project plans will be reviewed to ensure accessible design features are incorporated to the maximum extent technically feasible. Making sure the project design requirements are clearly indicated as being ADA specific will help to avoid problems with this review.



Incorporating accessible design features in your Federal-aid projects helps ensure everyone, including individuals with disabilities, can participate in all facets of society. Considering these guidelines can go a long way in helping you and your agency get projects authorized and funded.

Additional Resources

- Link to key information on the ADA program
<http://www.fhwa.dot.gov/civilrights/programs/ada.htm>
- A link to FHWA's accessibility resource library
<http://www.fhwa.dot.gov/accessibility/>
- Federal regulations on accessibility of transportation facilities
http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=2cc7137359a0b36b9d1d73ca56983eb9&_PART&n=49y1.0.1.1.27
- Information on accessible public rights of way
<http://www.access-board.gov/prowac/index.htm>
- Proposed Federal guidelines for accessible design
<http://www.access-board.gov/prowac/nprm.pdf>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number LI DTFH63-11-F-00066 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This companion resource is the script content for the video production of the same name.