



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

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By the US Access Board**



# ADA-PROWAG 2023 Update

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# ADA is Civil Rights Law

- **Enforced by the US Department of Justice**
  - Protection from discrimination
  - Provides access to services, programs and activities
  - Ensures Effective Communication

- **Reasonable Accommodations**
- **Removal of Barriers**



# Civil Rights Law

- **1964 – 1990 Federal Laws**
  - ✓ 1964 Civil Rights Act (Title VI)
  - ✓ 1968 Architectural Barriers Act (Federal Buildings)
  - ✓ 1973 Rehabilitation Act (Sect 504 – Federal Programs)
  - ✓ 1990 Americans with Disabilities Act (July 26, 1990)
    - ✓ Effective Date: January 26, 1992
    - ✓ July 1, 1994 ADAAG
    - ✓ July 26, 2004 New ADA Guidelines (ADA/ABA)
    - ✓ November 23, 2005 PROWAG
    - ✓ November 26, 2006 FHWA adopts ADA/ABA
    - ✓ September 15, 2010 NEW ADA Standards
    - ✓ **PROWAG Final Rule Published August 8, 2023**
    - ✓ **(By US Access Board)**



# ADA of 1990

**Title I Employment**  
**Title II Public Entities**



**Title III Places of Public Accommodations**

**Title IV Telecommunications**

**ADA 33**   
★ 1990 - 2023 ★  
**Americans with Disabilities Act**

Celebrate the ADA! July 26, 2023

# State and Local Governments

## ADA Title II & Section 504 Rehabilitation Act

Operate each service or activity so that, when viewed in its entirety, it is accessible to and usable by people with disabilities.



# ADA Title II Compliance (28 CFR 35)

## **Self-Evaluation (Due Jan 26, 1993)**

List of non-compliant items

## **Transition Plan (Due July 26, 1992)**

Written Plan on how and when modifications will occur.

## **Physical Modifications (Due Jan 26, 1995)**

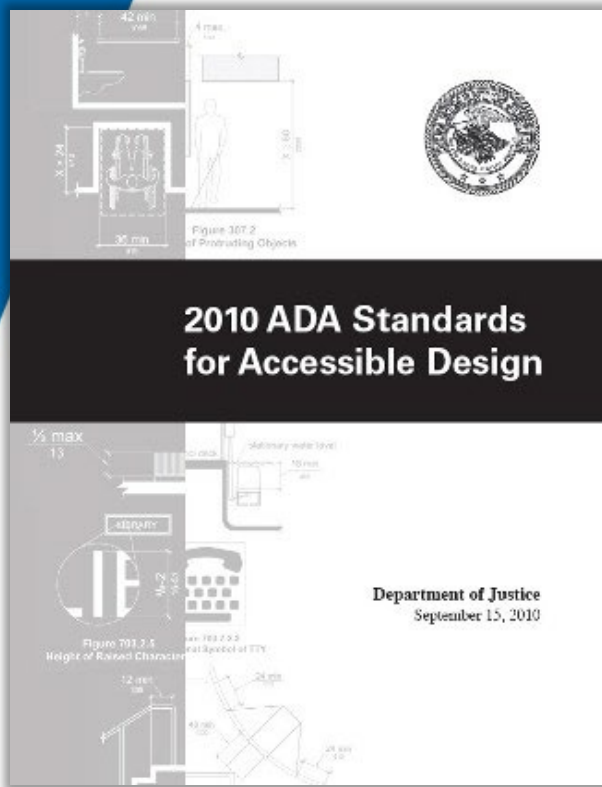
Completed ASAP

(Under 504, SE and TP were due Dec 29, 1979)





# 2010 ADA/ABA

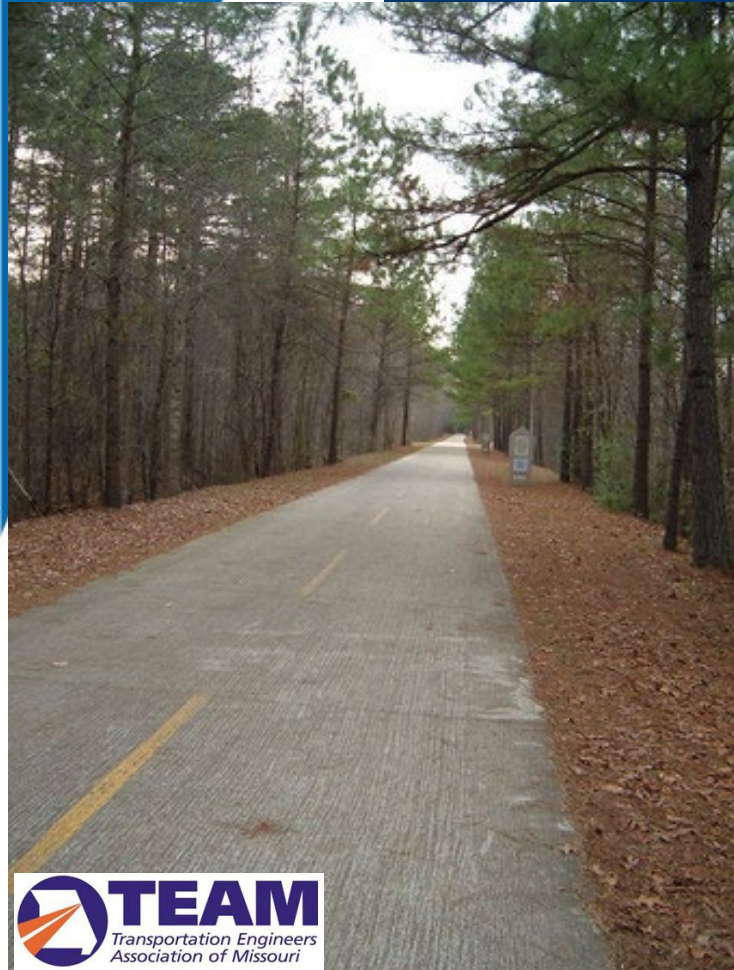


- **Written for Buildings/Facilities**
- **Fully Adopted by DOJ**
- **Compliance Date**
  - **March 15, 2012**

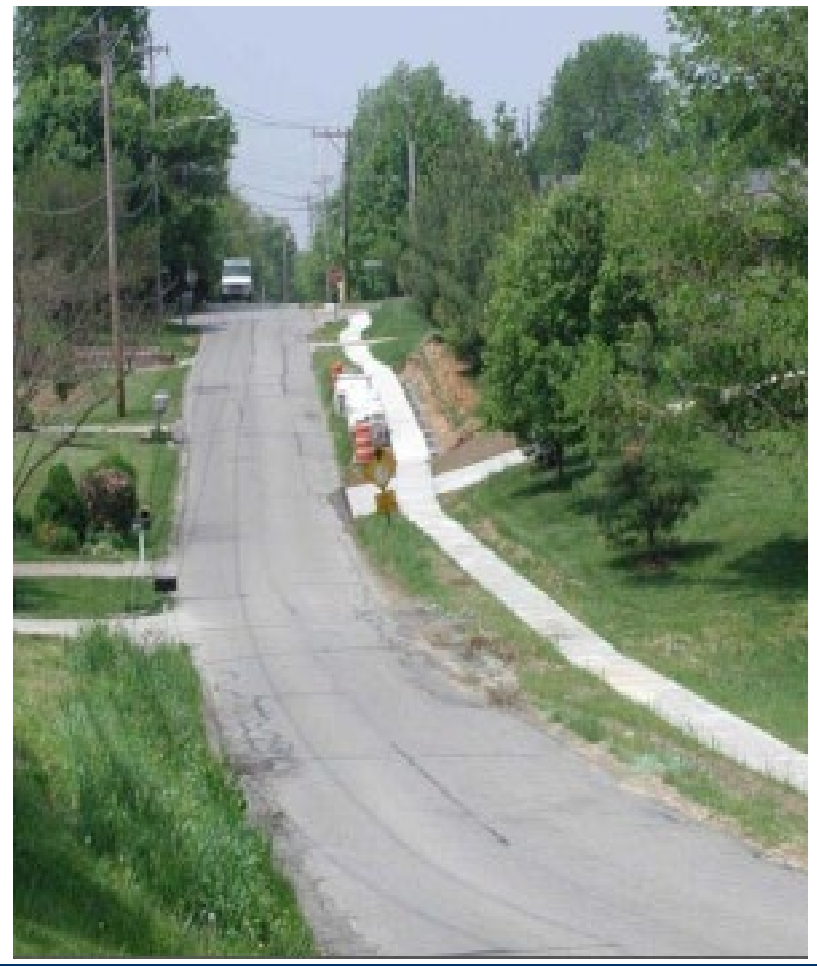
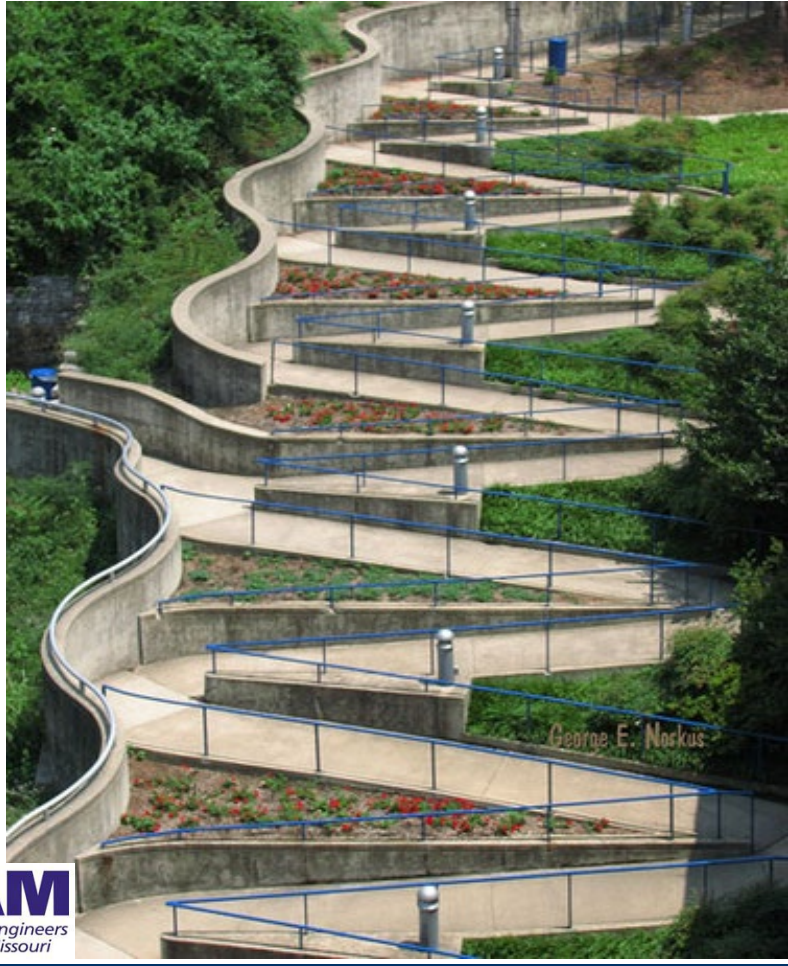


# PROWAG 2023

- Written for areas outside of buildings
- First published in 2002
- Revised in 2005
- FHWA Best Practice 2006
- ✓ Some great exceptions that make ADA in the R/W possible
- ✓ **New!** **Final Rule Published August 8, 2023 by the US Access Board**



# 2010 ADA/ABA or 2023 PROWAG



# **U.S. Access Board Creates and Publishes Minimum Guidelines and Requirements for Accessible Design**

- 2005 DRAFT Accessibility Guidelines
- 2011 Proposed Accessibility Guidelines
- 2013 Revised to include Shared Use Paths
- Over 660 public comments received

**Final Rule published August 8, 2023**

# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Advisory Language

The Board eliminated advisories as these are not mandatory requirements.

However, some advisories were moved into the Final Rule and are now mandatory.

Final Rule published August 8, 2023



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## MUTCD

The Board has stated all required technical provisions along with applicable definitions directly in the Final Rule. This differs from NPRM where the Board proposed to incorporate the MUTCD by reference.



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Alterations

The Board has modified the definition of “alteration” and provided a definition for “developed.” These revisions allow added facilities to comply to the maximum extent feasible where existing physical constraints make compliance with applicable requirements technically infeasible.



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Alterations (Continued)

The Board expects full compliance with the requirements for new construction on undeveloped land (i.e., greenfield), while any construction undertaken in an existing developed right-of-way is expected to comply to the maximum extent feasible.





# When does ADA impact a project?

**Alteration: A change to or addition of a *pedestrian facility* in an existing, developed *public right-of-way* that affects or could affect *pedestrian access, circulation, or usability*.**

--2023 Final Rule Published by the US Access Board



# When does ADA impact a project?

When there is an “Alteration”, facilities are to be brought into compliance with ADA standards to the maximum extent feasible.

---US Department of Justice



# DOJ-DOT Joint TA Memo, 2013



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Alterations that Trigger Installation of Accessible Pedestrian Signals

Upon consideration of public comments, the Board acknowledged the diverse nature of alterations that affect pedestrian signals and declined to list specific actions that trigger the requirement to install accessible pedestrian signals.



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Crosswalk Treatments at Roundabouts

The Final Rule expands crosswalk treatment options at multi-lane segments of roundabouts containing crosswalks to include: a traffic control signal with a pedestrian signal head, a pedestrian hybrid beacon, a pedestrian actuated rectangular rapid flashing beacon, or a raised crossing.



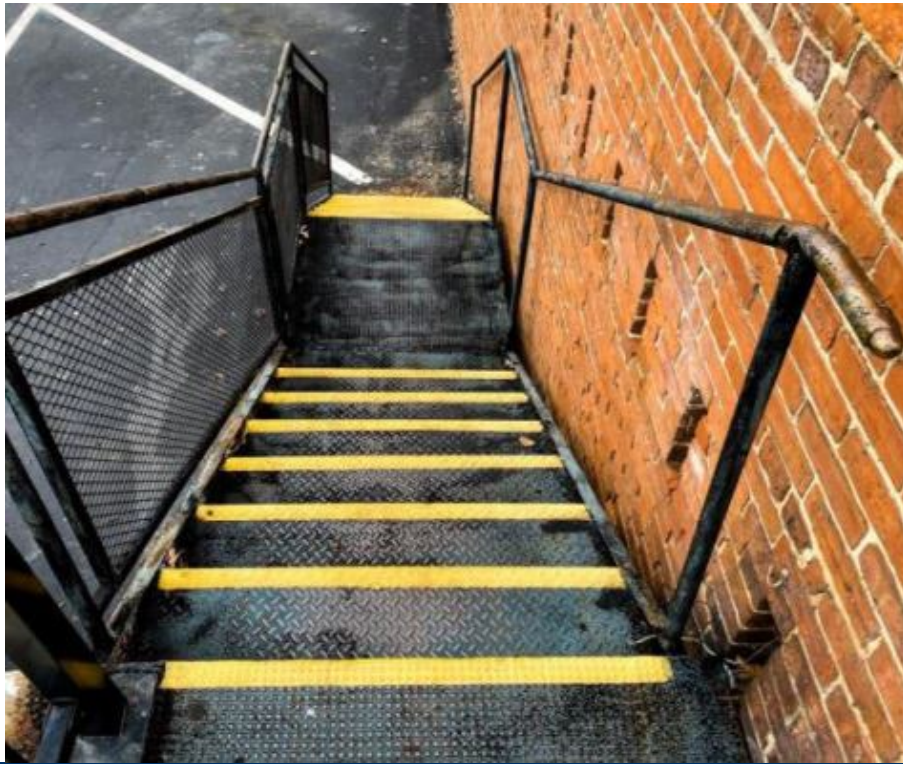
# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Visual Contrast at Stairs

To provide greater accessibility for people with low vision, the Final Rule requires visual contrast on stair treads and landings, as noted in R408.6. “The leading edge of each step tread and top landing shall be marked by a stripe. The stripe shall be 1 inch (25 mm) wide minimum and shall contrast visually with the rest of the step tread or circulation path surface either light-on-dark or dark-on-light.”



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Slopes Stated in Ratios and Percentages

The Final Rule provides slopes in both ratios and percentages. Slopes stated as 2% in the proposed rule are now 1:48 (2.1%) in the Final Rule, which is the ratio used in the 2004 ADA and ABA Accessibility Guidelines.





# Sidewalk Cross Slope R302.5

- Cross slope of a PAR not contained within a crosswalk shall be 1:48 (2.1%) maximum.
- 2010 ADA/ABA uses 1:48 (2.1%)
  - ¼ inch per foot
  - ✓ (Roadway Grade Exception can apply)

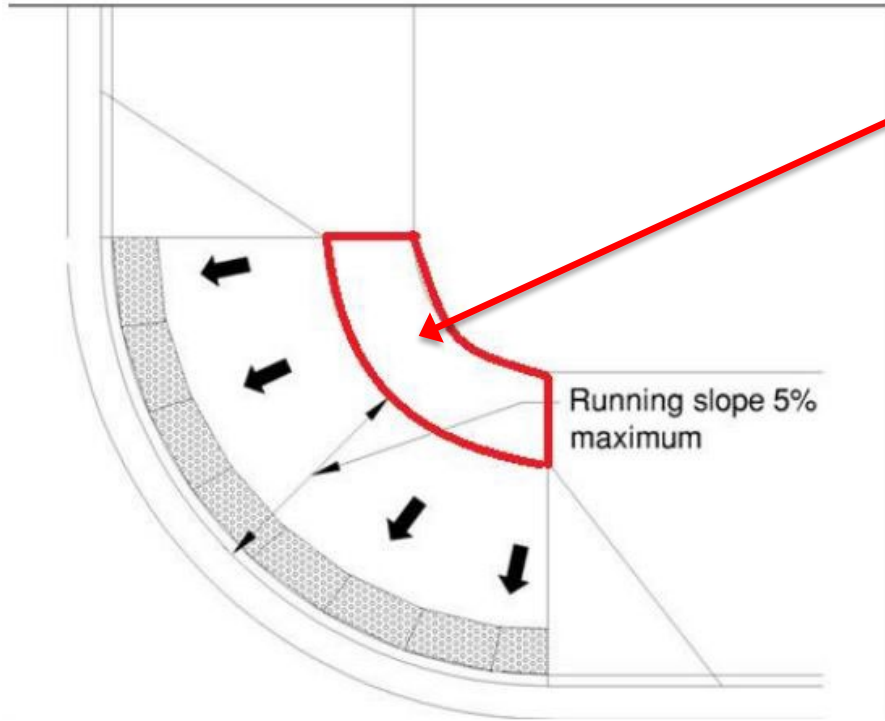


# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Bypass at a Blended Transition

The Board added provision R304.4.3 which requires a bypass where a blended transition serving more than one pedestrian circulation path has a running slope greater than 1:48 (2.1%). This provision allows a pedestrian with a disability to bypass the cross slope of a blended transition that the individual does not need to use.

# Bypass at a Blended Transition



**A Bypass outside of the Blended Transition space (Max 5% Slope) is now required.**

**Bypass Max Cross Slope is 2.1%.**

# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Identification of Places with No Pedestrian Crossing

The Board added provisions R203.6.1.1 and R203.6.1.2 to further clarify that where crossing is prohibited at an intersection or not intended midblock or at a roundabout, jurisdictions must take care to ensure that there is no crosswalk or curb ramp, and the pedestrian circulation path is separated from the roadway.

# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Passenger Loading Zones

In R212, the Final Rule clarifies that passenger loading zone requirements apply to zones that are permanently designated for passenger loading, other than transit stops. Passenger loading zones permanently designated for ride share are subject to the technical requirements.

(Continued...)



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Passenger Loading Zones (Continued)

Passenger loading zones that vary with the time of day or the occupancy of a particular retail space, such as valet stands that are provided only during certain hours, are not considered permanently designated and are therefore not subject to the technical requirements.



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## On-Street Parking

The Board made several revisions to the technical requirements for on-street parking, including dimensions for parallel and angled parking spaces, and a requirement that the center 50 percent of the length of the sidewalk, or other surface, adjacent to an accessible parallel parking space be free of obstructions, ..... (Continued)

# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## On-Street Parking (Continued)

..... including parking identification signs, parking pay meters, and parking pay stations. Technical requirements for on-street parking are addressed in R310.





# Pedestrian Access Routes R302

## ADA Compliance:

- Maximum Cross Slope
  - 1:48 (2.1%)
- Maximum Running Grade
  - 1:20 (5.0%)
- Minimum Width
  - 48 Inches
- Roadway Grade Exception
  - **NOW in multiple places!**



# ADA Requirements

## Islands and Medians R302.2.1

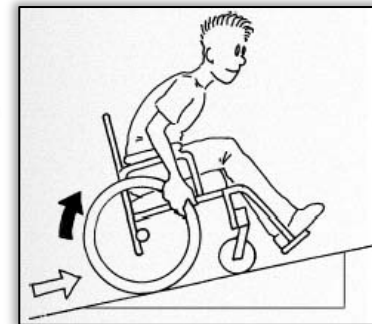
The clear width of a PAR crossing medians and pedestrian refuge islands shall be 60 inches minimum. For shared use paths, the clear width shall be 60 inches minimum or at least as wide as the shared use path, whichever is greater.



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Sidewalk Grade (R302.4.2)

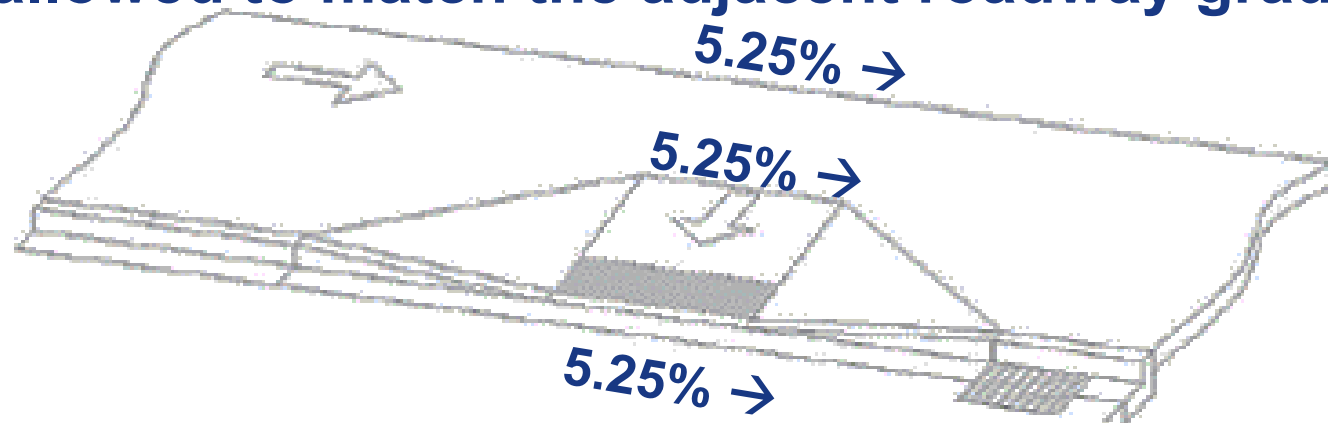
Where the Pedestrian Access Route is not contained within the right-of-way, the grade of the PAR shall not exceed 1:20 (5.0%).



# Roadway Grade Exception R302.4.1

Where the grade established for the adjacent street exceeds 1:20 (5.0%), the grade of the pedestrian access route shall not exceed the grade established for the adjacent street.

In the case below, the cross slope of the ramp would be allowed to match the adjacent roadway grade.

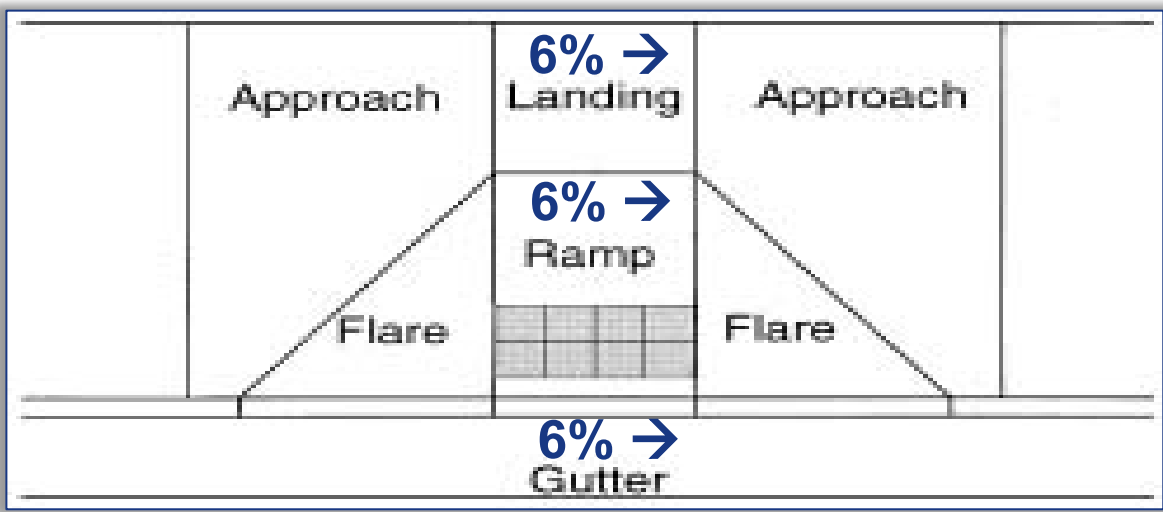


# ADA Requirements



## Roadway Grade Exception R304.2.2

At Crosswalks, the cross slope of the curb ramp run shall be permitted to be equal to or less than the cross slope of the crosswalk as specified by R302.5



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

**NEW!**

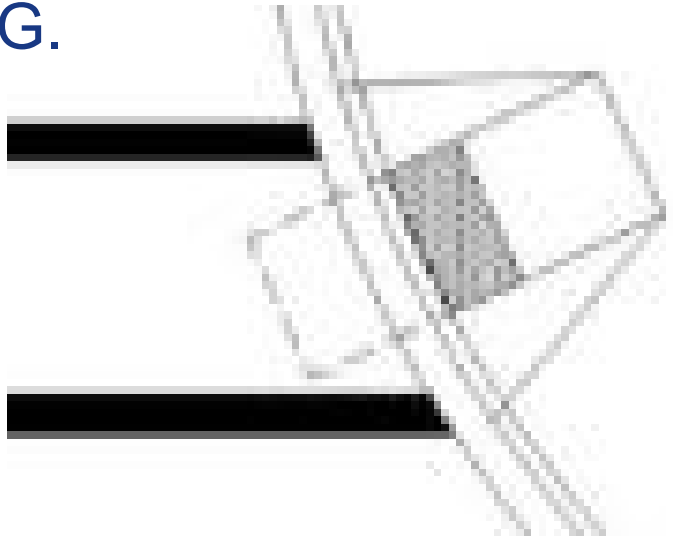
## **Curb Ramps (R304.2.1, R304.3.1)**

- **“15 Foot Rule”**: Where the curb ramp length must exceed 15 feet to achieve a 1:12 (8.3%) running slope, the curb ramp length shall extend at least 15 feet and may have a running slope greater than 1:12 (8.3%).

# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Clear Area (R304.2.4)

This is a NEW concept in PROWAG.



# ADA Requirements

## Clear Area R304.2.4

- Shall be provided beyond the bottom grade break of the perpendicular curb ramp run within the width of the crosswalk.
- Shall be located wholly outside the vehicle travel lanes, including bicycle lanes
- 48” wide minimum by 48” long minimum
- Shall be as wide as the shared use path.
- Running slope shall be 1:20 (5.0%) maximum
- Cross slope shall be as specified by R302.5.

**More to  
Come**



# **Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule**

## **Detectable Warning Devices (R305)**

Moved the Truncated Domes location in Medians and Islands from the face of the island .....

# ADA Requirements

## Detectable Warning Devices R305

NEW!



### For Cut Through Islands:

- ✓ DW shall be located no greater than 6 inches from the edges of the island or at back of curb.
- ✓ Where there is no curb, DW shall be located at the edge of the roadway



R305.2.4



# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Clear Spaces (Surfaces R404.2)

EXCEPTION: Where the slope of the clear space would exceed 1:48 (2.1%) in either or both directions due to the grade of an adjacent PAR conforming to the requirements of R302.4, the slope of the clear space may be consistent with the slope of the PAR. **(Roadway Grade Exception)**

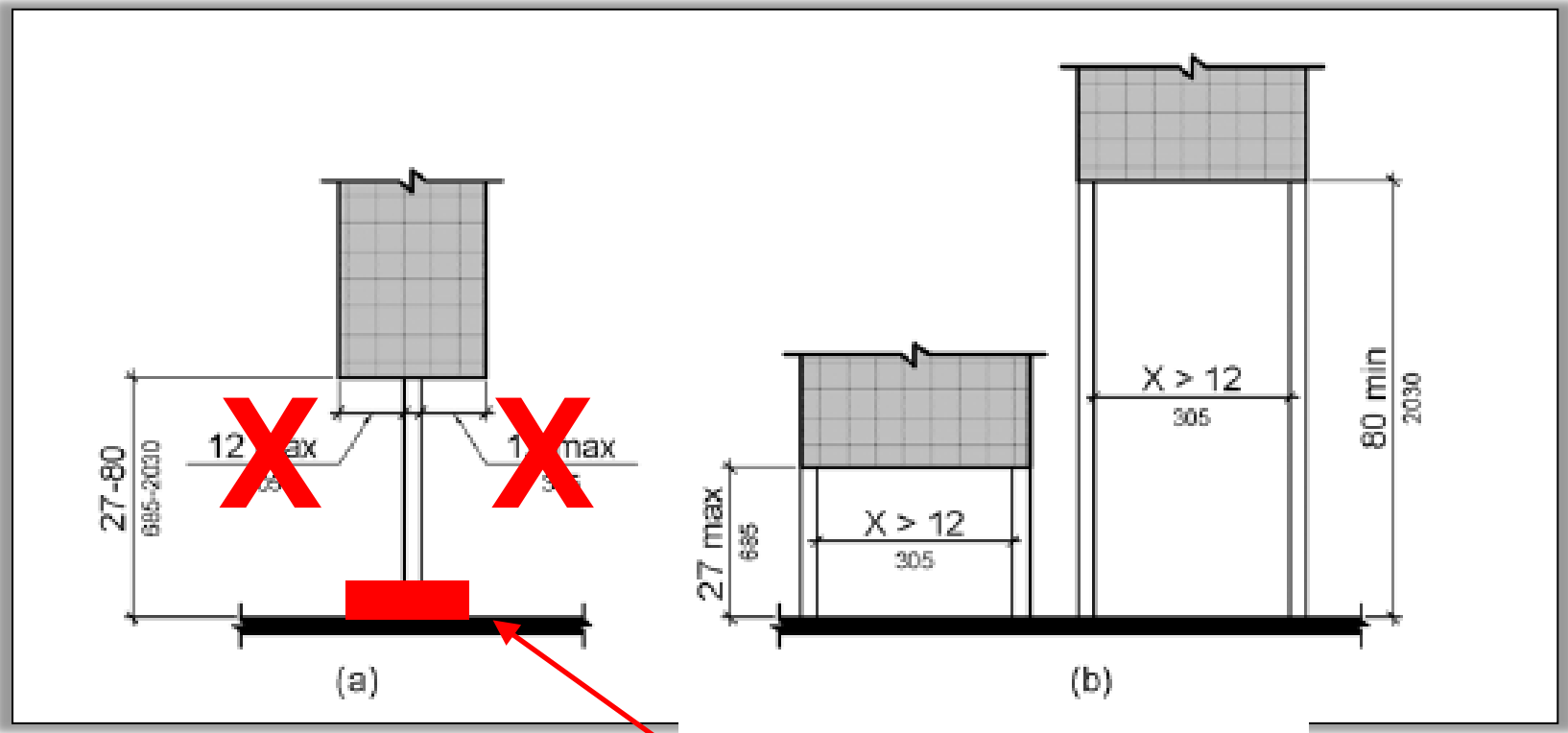


# Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

## Protruding Objects (R402.3.1)

Objects on a single post that are more than 27 inches and less than 80 inches above the walking surface shall not protrude into the pedestrian circulation path more than 4 inches from the post or more than 4 inches from the outside edge of the base that is 2½ inches height minimum.

# Protruding Objects R402.3.1



**4" Max overhang of base**

# **Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule**

## **Edge Protection (R407.9)**

Changed the Options to Edge Protection .....



## Edge Protection R407.9

- Shall be provided on each side of ramp runs and ramp landings except those serving an adjoining ramp run, stairway, or other pedestrian circulation path:

**NEW!**

- Extend surface 12" beyond the inside face of a handrail (R407.9.1)
- **AND** --
- Curb 4" high minimum OR
- Barrier prevents passage of a 4" sphere within 4" of the surface (R407.9.2)



# ADA Requirements

## Questions?



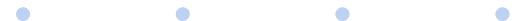
**DISABILITY RIGHTS**  
**ARE CIVIL RIGHTS**



# ADA Reminders for 2024



**Think of PAR  
as another lane  
of traffic...**



# ADA Requirements

## A new era in transportation ...

### US Department of Transportation Bicycle and Pedestrian Accommodation Policy (3/15/2010)

- ✓ Consider walking and bicycling as equals with other transportation modes
- ✓ Ensure that there are transportation choices for people of all ages and abilities
- ✓ Go beyond minimum design standards
- ✓ Integrate bicycle and pedestrian accommodation on new, rehabilitated, and limited access bridges
- ✓ Remove snow from sidewalks and shared use paths
- ✓ Improve non-motorized facilities during maintenance projects.



# ADA Requirements

## Scoping your Project - Chapter 2



- Consider pedestrian facilities on projects from the beginning...
- Address the current ADA issues within the project limits.



# Transition Plan (Due July 26, 1992)

## Important things to remember...

- A Transition Plan is a living document
- Update the TP as modifications are completed
- As boundaries grow, incorporate new facilities into the Self Evaluation and Transition Plan
- Address Special Requests and Complaints
- Alterations & Additions = Max Extent Feasible
- New Construction = 100% Compliance
- FHWA Video on TP



[https://youtu.be/7Xn4\\_wlvEgQ](https://youtu.be/7Xn4_wlvEgQ) • • • •

# Self Evaluation (Due Jan 26, 1993)

## ADA Compliance:

- 2, 5, 8.33
- Cross Slope – Width
- Curb Ramps
- Detectable Warnings
- Approach Space & Buttons
- 0 Inch, ¼ Inch, ½ Inch, >½ Inch
- Roadway Grade Exception
- 15 Foot Rule
- Pedestrian Crossings/Signals
- Multi-Lane Roundabout Crosswalks



# ADA Requirements

## Barden v. Sacramento (2002)



# ADA Requirements

## Barden v. Sacramento (2002)

### Appeals Court Opinion (June 12, 2002):

“Section 35.150’s requirement of curb ramps in all pedestrian walkways reveals a general concern for the accessibility of public sidewalks, as well as a recognition that sidewalks fall within ADA’s coverage, and **[ADA] would be meaningless if the sidewalks between the curb ramps were inaccessible.**”

US Supreme Court let this ruling stand.

# ADA Requirements

## Don't Forget the PAR





# ADA Requirements

## Questions?



# Thank You!

**Amy Crawford**  
**Zainab Jasim**  
**Ronald Effland**

