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**Senate Bill 65: Counties- Construction of Sidewalks and Crosswalks-
Safe Alternative Routes to Public Schools**

Position: Support with Amendment

**Testimony for the Senate Education, Health, and Environmental Affairs
Committee**

January 22, 2020

The Arc Maryland is the largest statewide advocacy organization dedicated to the rights and quality of lives of children and adults with intellectual and developmental disabilities. We support Senate Bill 65 as we agree that children should have access to safe and alternative routes to public school. We request that the bill be amended to require safe, alternative routes, **AND ACCESSIBLE** routes.

Children with physical disabilities who use wheelchairs should not be forced to ride a modified bus to school and be segregated from their ambulatory friends due to the inaccessibility of safe and alternative route/pathways. Although creating routes that are accessible to children who use wheelchairs may increase costs for counties, creating accessible pathways improves life for all people in that it contributes to an accessible community; benefitting parents of young children in strollers, children and adults who use wheel chairs, and older adults who have a need for flat and even surfaces with curb cuts. Adding the provision in this bill for “accessible” routes is also likely to reduce reliance (and therefore costs) on school transportation services for children with physical disabilities who would rather travel to school via pathways with their friends.

Many local communities already have Master Plans in place for “walkable” communities which include sidewalks and crosswalks that are accessible for all and the ADA guidance is clear on both requirements of communities as well as benefits to communities of providing sidewalks and other pathways (see ADA powerpoint attached to this testimony.) For all of these reasons, we do not anticipate opposition for the addition of accessibility provisions to the bill and we are hopeful this addition will be considered a friendly amendment.

We wish to thank the sponsor and this committee for your consideration.

Respectfully Submitted,
Ande Kolp
The Arc Maryland

Promoting Independence and Access through Responsible Design

Part 1: Obligations and Sidewalk Basics

will begin at 2 pm ET

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- Codes must be received by 5:00 PM ET on Monday, May 6, 2019.

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About Your Hosts...

- TransCen, Inc.
 - Mission Statement: Improving lives of people with disabilities through meaningful work and community inclusion
- Mid-Atlantic ADA Center, a project of TransCen, Inc.
 - Funded by National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), Administration for Community Living, U.S. Department of Health and Human Services



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Promoting Independence and Access through Responsible Design



Melissa Anderson, PE
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Promoting Independence and Access through Responsible Design 4-part Webinar Series

- Part 1 - Obligations and Sidewalk Basics
- Part 2 - Safe and Accessible Intersections
- Part 3 - Curbside Access
- Part 4 - Ensuring Access on Public Right of Way Projects

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Promoting Independence and Access through Responsible Design 4-part Webinar Series

- Part 1 - Obligations and Sidewalk Basics
 - > Accessibility Laws
 - > Standards and Guidelines
 - > Title II Obligations
 - > Technical Requirements for Pedestrian Access Routes

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Federal Civil Rights Laws

- > 1973 Rehabilitation Act, Section 504
 - Applies to programs and activities receiving Federal funds
- > 1990 Americans with Disabilities Act
 - Prohibits discrimination in the provision of facilities, services, and programs
 - Title II applies to State and Local Governments

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Establishing Standards

- > US Access Board – independent Federal agency
- > Tasked with developing minimum design criteria
 - Telecommunications
 - Medical diagnostic equipment
 - Built environment – buildings, sites and recreation
 - Transportation – infrastructure and vehicles
- > Develop Guidelines establishing minimum level of access
- > Standards adopted from Guidelines and enforcement by other Federal agencies
 - Department of Justice – 2010 ADA Standards
 - Department of Transportation ADA Standards
 - Departments of Defense, Education, General Services

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Public Right of Way Access

- Enforcement
 - Department of Transportation - Section 504 Authority
 - Complaint based
 - Department of Justice - ADA Program Access
 - Complaints
 - Project Civic Access
- General ADA Regulations of non-discrimination apply
 - Standards? 28 CFR 35.151(c) and (i)
 - Guidelines? Proposed Public Right of Way Accessibility Guidelines
- Soooo ... ?



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ADA Title II - Program Access

ADA Title II prohibits discrimination against people with disabilities in all State and Local Government programs, services and facilities

What to do in the public right of way??!



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Designing for Access

- DOJ/DOT technical memo for resurfacing and the Q & A say curb ramps must follow the 2010 ADA Standards, see Q1.
- FHWA Memo from 2005 says for areas not fully addressed in the building standards, the Draft Public Right of Way Guidelines can be used as best practice.
- Courts have gone both ways.



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PROWAG Rulemaking Update

- > Final Rule Draft has been approved by the Board
- > Review by the Office of Management and Budget
- > Publication in the Federal Register
- > Adoption by the Department of Justice and Department of Transportation
- > Rulemaking is currently not moving

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What can State and Local Agencies do in the meantime?

- > Review policies
- > Review Standards
- > Provide education
- > Enforcement at local level



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Obligations for Access

- > **New construction** is required to be accessible
- > **Alterations** to existing facilities must be accessible to the maximum extent feasible within the scope of the project
- > **Existing facilities** that have not been altered can not deny access to persons with disabilities

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New Construction



Accessibility is easiest to achieve in new construction

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Alterations

• In alterations, it may not be possible to meet all of the accessibility requirements.

• Follow new construction provisions to the extent practicable within the scope of the project

Document decisions!



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Existing Facilities

- > Cannot deny access
- > Title II - Transition Plan
- > Every program or inaccessible facility identified in the self-evaluation needing structural modifications for accessibility must be in the transition plan



- > Solicit input from interested parties
- > Specifies the steps for achieving accessibility
- > Copy of plan available for public inspection
- > Responsible person

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Pedestrian Access Routes

Scoping and Technical Requirements

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Types of Pedestrian Facilities Pedestrian Access Routes



Sidewalks



Shared-use Paths



Shoulders

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Ped Access Routs vs. Shared Use Paths vs. Trails



- Pedestrian Access Route
- Pedestrians Only
- Transportation and Recreation



- Trail
- Pedestrian Recreation



- Shared Use Path
- Pedestrians and Bikes
- Transportation and Recreation

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Is a Sidewalk Required?



If sidewalks are provided, then they are required to be accessible to and usable by a person with a disability.

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Is a Sidewalk Required?



Independence and Inclusion

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Continuous Pedestrian Access Route



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Minimum Accessible Criteria



- > Clear Width
- > Grade and Cross Slope
- > Surface Characteristics
- > Protruding Objects not Allowed
- > Clear Space

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Clear Width

- > Clear Width
 - Continuous
 - 4 ft wide minimum, full width for a shared use path
 - If less than 5 ft, 5 ft x 5 ft passing space every 200 ft



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Continuous Clear Width

- > Clear Width
 - Continuous
 - 4 ft wide minimum, full width for a shared use path
 - If less than 5 ft, 5 ft x 5 ft passing space every 200 ft



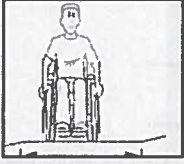
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Slopes – Rise over Run

➤ Cross Slope

- Shall not exceed 2% (1:50)



➤ Running Slope, or Grade

- Shall not exceed the grade of the road in street ROW
- Shall not exceed 5% (1:20) in an independent ROW
- Constraints – comply to the extent practicable



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Cross Slope

➤ As flat as possible and still provide drainage

- Flat, 0% is easiest for wheelchair users
- 2% max allows for drainage
- Minimize cross slope as running slope increases (Best practice)



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Running Slope, or Grade

➤ As flat as possible

- May be the same as the street grade
- When not constrained by street grade, 5% max
- Increase width as grade increases so people using wheelchairs can use wide arcs to reduce their effort and speed (Best practice)

➤ *2010 ADA Standards limit grade to 5% or use ramp requirements up to 8%**



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Running Slope, or Grade

- > Not constrained by street grade
 - When not constrained by street grade, 5% max
 - Physical and regulatory constraints



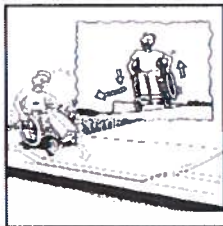
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Compound Slopes

- > Running slope and cross slope in same space

- Difficult to maneuver
- Instability
- Takes increased effort



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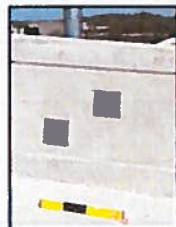
Construction Tolerance?

- > Industry tolerances allowed except where dimensions are stated as a range

- Ranges – 0 - 5% slope, max and min dimensions
- Rounding?
- Methods of measure
- Tools

- > Account for tolerance in design (Best practice)

- Cross slope 1.5% max
- Running slope 4.5% max, etc.
- Clear width 4.5 ft



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Surface Requirements

- > Firm, stable and slip resistant
- > No large openings or gaps
- > Minimal vertical discontinuities



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Surface Requirements

- > Firm, stable and slip resistant
 - Concrete or asphalt pavement
 - Flush brick or paver surfaces
 - Grass? Crushed rock? Mulch?



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Surface Requirements

- > No large openings or gaps – ½ inch max in the direction of travel

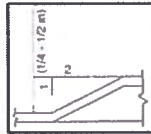
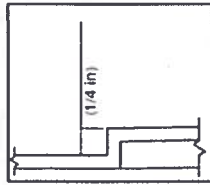


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Surface Requirements

- Minimal vertical discontinuities
 - 1/4 inch max vertical
 - 1/2 inch beveled
 - May combine with bevel on top



* Grade breaks must be flush

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Flange Way Gap



Flange way gap provision for light rail and freight rail at pedestrian rail grade crossing

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Circulation Path

- Any place a person can walk
- Pedestrian Access Route
 - Continuous and 4 ft wide min
 - Connects to accessible elements
 - Width, slope and surface requirement apply to ped access route only
- Protruding objects apply to full width
 - 4 inch limit
 - 27 - 80 inches above surface



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Ramps

> Same as 2010 Standards

- Slope: 1:12 max (8%)
- Cross slope: 2% max
- Clear width: 36" min
- Rise: 30" max
- Level landings
- Handrails (both sides)
- Edge protection



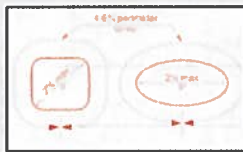
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Handrails

> Same as 2010 ADA Standards

- Ramps, stairs, and walkways
- Knuckle clearance: 1 1/4" min
- Diameter: 1 1/4" – 2"
- Applies to outer diameter
- Circular & noncircular cross sections



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Protruding Objects

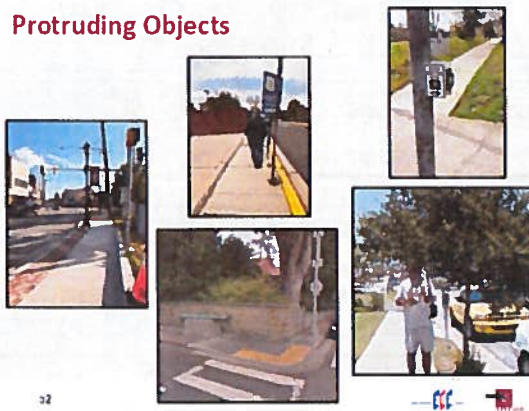


- > Objects between 27" and 80" may not protrude more than 4"
- > Post mounted objects must not protrude more than 4" beyond the base
- > Space greater than 12" between posts must be detectable

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Protruding Objects



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Temporary Routes and Work Zones

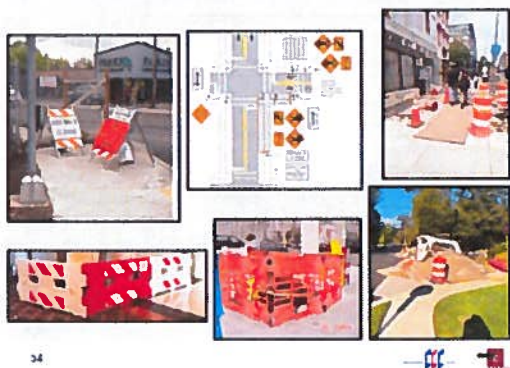
- > Alternate routes provided as needed to maintain access
- > MUTCD Chapter 6 (6D, 6F, 6G)
 - Routing and signing
 - Barriers for protection
 - Channelizers for guidance and wayfinding
- > A temporary lack of access is allowed for maintenance
- > Temporary facilities such as pop-up events, street fairs, farmers markets must also be accessible



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Temporary Routes and Work Zones



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Maintenance

- > Requirement to maintain accessible features
- > A temporary lack of access is allowed for maintenance
- > Best practices
 - Policies
 - Equipment
 - Staff
- > Examples
 - Snow removal
 - Debris removal
 - Tree trimming



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Best Practices

- > Listen to the public and accommodate requests
- > Maximize clear width
- > Minimize slopes
- > Consider the impact of compound slopes
- > Design for construction tolerance
- > Standardize methodology for inspections
- > Routine maintenance schedules
- > Look for "low hanging fruit"



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Resources

- > US Access Board –
 - www.access-board.gov
 - www.row@access-board.gov
- > FHWA –
 - www.fhwa.gov
 State Division Office
- > DOJ –
 - www.ada.gov
 Title II Technical Assistance

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Questions?



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Upcoming Webinars

✓ Part 1 - Obligations and Sidewalk Basics

Part 2 - Safe and Accessible Intersections

Curb ramps, street crossings, signals

Part 3 - Curbside Access

Transit stops, parking, passenger loading zones

Part 4 - Ensuring Access on Public Right of Way Projects

Design decisions, construction inspection and best practices

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Thank You!

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