Public Right-of-Way Accessibility Guidelines

Deanna Maifield

Iowa DOT Office of Design
Public Right-of-Way Accessibility Guidelines

PROWAG
After decades of development the Public Right-of-Way Accessibility Guidelines are in the process of being adopted into law. Find out what Iowa has done so far, why this is important, when to start implementing the new rules, and tips to make it a little easier.
Why is this important?

• It's the law
• There can be substantial costs associated with noncompliance
• It is the right thing to do
Sorting Through the Information
• Be careful who you listen to
• Make sure you know the difference between
  – the legal requirements
  – the speakers opinion of the right thing to do
After decades of development:

- 1992 - Board proposes guidelines that includes a section on public rights-of-way
- 1994 - An updated proposed rule is published (as an interim final rule)
- An outreach program is developed
- 1998 - Final rule for State and local government facilities published—excluding public rights-of-way
- 1999 - Board publishes notice creating the Public Rights-of-Way Access Advisory Committee – 33 members
- 2001 - Public Rights-of-Way Access Advisory Committee submits its report to the Board
- 2002 - Board releases draft guidelines based on the Committee's report and holds public meeting
- 2005 - Board places revised draft guidelines in the rulemaking docket for purposes of gathering information for an cost analysis.

- **2011** - Board published proposed guidelines for public comment.
But if it is still not a legal requirement, why bother?
Have you seen what the current legal requirements are!
My 7 Year ADA Journey

• My first meeting as Methods Engineer
• Write DOT’s transition plan
  – Establish measurements for what is in compliance and what isn’t
  – Make sure all new construction met these requirements
  – The only thing that seemed clear was that there was a lot of confusion!
  – I started work
The ADA Group is Formed

• 3 separate initiatives brought our group together
  – Establishing measurements for the DOT’s transition plan (Deanna Maifield)
  – 2009 ARRA issues and new assignment as the person who will investigate complaints against local agencies (Donna Buchwald)
  – SUDAS consistency initiative and need for design guides to match investigation requirements (Paul Weigland)
  – FHWA oversight responsibilities (Kim Anderson and Becky Hiatt)
ADA Group Key Decisions

• Which guidelines to follow
  – Can we use parts of both
  – Which will be easiest for us to comply with
  – Is it even a legal option to use PROWAG
ADA Group Key Decisions

• Which guidelines to follow
  – Can we use parts of both

No, inconsistency in addressing ADA issues was a key issue for other agencies who were investigated. Cherry picking from both documents is not acceptable.

The most defensible position is to pick one document, write a policy stating which document you selected, and then follow through.
ADA Group Key Decisions

• Which guidelines to follow
  – Can we use parts of both- No
  – Which will be easiest for us to comply with
Benefits of Adopting PROWAG

• Gives allowance for steeper sidewalk in some situations
• Gives allowance for steeper curb ramps in some situations
• Gives allowance for steeper cross slope on crosswalks in some situations
• Eliminates requirement for turning spaces wherever someone might make a turn
Challenges in adopting PROWAG

• Requires 4’ minimum path width rather than 3’ required by ADAAG
• Sidewalk cross slope maximum is 2% rather than 1:48 or 2.083333%
ADA Groups Key Decisions

• Which guidelines to follow
  – Can we use parts of both- No
  – Which will be easiest for us to comply with
    ADAAG seemed nearly impossible to comply with in areas with rolling terrain.
    PROWAG had significant advantages that overshadowed the cost of providing 4’ wide sidewalks
ADA Groups Key Decisions

• Which guidelines to follow
  – Can we use parts of both- No
  – Which will be easiest for us to comply with- PROWAG
  – Is it even a legal option to use PROWAG
Basis for using PROWAG

January 2006 FHWA memo

The Draft Guidelines are not standards until adopted by the U.S. Department of Justice and the U.S. Department of Transportation. The present standards to be followed are the ADA Accessibility Guidelines (ADAAG) standards. However, the Draft Guidelines are the currently recommended best practices, and can be considered the state of the practice that could be followed for areas not fully addressed by the present ADAAG standards. Further, the Draft Guidelines are consistent with the ADA's requirement that all new facilities (and altered facilities to the maximum extent feasible) be designed and constructed to be accessible to and useable by people with disabilities.
ADA Group Key Decisions

• Which guidelines to follow
  – Can we use parts of both- No
  – Which will be easiest for us to comply with- PROWAG
  – Is it even a legal option to use PROWAG- Yes
Documenting the Requirements of PROWAG

- The requirements in PROWAG can be interpreted in different ways.
- There are many terms that aren’t explicitly defined in PROWAG that make a huge difference, such as – “available ROW”
- Defining this was still going to be difficult.
ADA Group Key Decisions

• Which guidelines to follow - PROWAG
• How do we cover the gray areas and prevent multiple interpretations
Safety in Numbers

- One document that everyone agrees to support.
- Design and enforcement follow the same criteria
- Local agencies know in advance what criteria will be used to evaluate complaints
ADA Group Key Decisions

• Which guidelines to follow- PROWAG
• How do we cover the gray areas and prevent multiple interpretations- One combined document to cover all design and enforcement issues in Iowa
Chapter 12 — Sidewalks and Bicycle Facilities

12A Sidewalks
- 12A-1 General Sidewalk Requirements
- 12A-2 Accessible Sidewalk Requirements
- 12A-3 Protruding Objects
- 12A-4 Pedestrian Facilities During Construction

12B Bicycle Facilities
- 12B-1 Pedestrian and Bicycle Facilities
- 12B-2 Shared Use Path Design
- 12B-10 Pedestrian Path Guidelines: Safety Rail

Accessible Sidewalk Requirements

A. Introduction

SUDAS and Iowa DOT jointly developed this section based on the July 26, 2011 “Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way.” This section was developed in accordance with Federal regulations (23 CFR 652 and 28 CFR 35) and is the standard for use by all governmental entities in the State of Iowa. A local jurisdiction may elect to produce their own standards; however, these will require review and approval by FHWA and/or the United States Department of Justice.
Signal Design

• SUDAS has published signal design information.
• DOT is publishing a section in the TAS Manual deferring to the SUDAS information.
• For signals, we are not adopting PROWAG requirements.
Your Key Decision

• Do you follow the SUDAS & DOT’s joint policy for the state or develop your own policy
Suggestions

- ADA enforcement is complaint driven; Keeping people happy will save time and money in the long run
- Inspection; We aren’t looking for problems
Simple design
The crosswalk question

• ADAAG requires cross slopes to be 1:48 or flatter.
• PROWAG requires 2% maximum cross slope, but allows up to 5% on legs of intersections that are not stop or yield controlled.