



# FHWA Perspective on ADA Laws and Regulations

February 2015



Michigan Division Office

# FHWA

# Perspective on ADA

# Laws and Regulations



U.S. Department of Transportation  
Federal Highway Administration



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## Background:

- The US Transportation System was originally designed and built assuming:
  - Users would be able-bodied
  - Users would have good vision and hearing
  - Users would understand traffic control devices





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## Statistics:

- Of the 300 million people in the U.S.
  - 13 million need assistance walking or can not walk at all
  - 2 million can not clearly see printed words
  - 16 million have limited cognitive functions, rely heavily on signs, signals, or other features to get around
  - 17 million have limited hearing





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## Statistics (continued):

- Well over 10% of population is considered disabled in some form
- In ones lifetime, there is a 70% chance you will lose your ability to climb stairs
- These are the supporting facts that lead to ADA laws and regulations





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## History:

- 1973: Section 504 of the Rehabilitation Act
  - No individual shall be denied benefits or be discriminated by programs receiving Federal Funds
  - 1<sup>st</sup> law to cover people with disabilities





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## History (continued):

- 1990: The American Disabilities Act
  - Wide reaching-from transportation to discrimination in the work place
  - Discriminate if you build new facilities not readily accessible with those with disabilities
  - Discriminate if you don't feasibly alter existing facilities to be usable
  - identifies wheelchairs as a design vehicle





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## History (continued):

- 1994: 1<sup>st</sup> Regulation; 28 CFR 35
  - Required minimum ADA requirements to be established
  - Establishes ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) as a standard
  - Provides exceptions for historical properties
  - Requires accessibility for new facilities
  - Requires transition plans for existing facilities





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## History (continued):

- 2003: 49 CFR 27
  - Specific addresses transport facilities receiving Federal Aid
  - Addresses curb cuts with accessible ramps to accommodate wheel chairs







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## History (continued):

- 1994: Public Rights of Way Accessibility Guidelines (PROWAG)
  - Still a draft but accepted as a best practice by FHWA as well as MDOT
  - Considered design standard
  - Provides minimum guidelines for pedestrian routes, signage, ramps, push buttons, etc.





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## Design Standard:

- MDOT's Road Design Manual, section 6.08.05:
  - Provides specific design criteria based on AADAG and PROWAG standards
  - When designing and constructing transportation facilities, you will be compliant following this section with regards to ADA





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## FHWA's Role:

- 1973 Rehabilitation Act authorizes FHWA to ensure federal fund recipients compliance with ADA laws and regulations
- DOJ is responsible for ensuring compliance but
  - Delegated to the USDOT for sidewalks, trails, ramps
  - USDOT has delegated enforcement to FHWA





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## FHWA's Role (continued):

- FHWA's role is to ensure state and LPAs comply by following approved standards and guidelines
- This is done by cooperative agreements between FHWA & MDOT
- Review and approval of standards
- Periodic reviews of the program





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## Reminder:

- Accessibility impacts everyone
- These laws and regulations have been in place for over 40 years but we still are working to be compliant statewide
- Use engineering judgment as standards can not meet every situation. Focus on the intent of the law, mobility





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## Resources:

Designing Sidewalks and Trails for Access

<http://www.fhwa.dot.gov/environment/sidewalk2/>

Sidewalk Assessment Chapter 11

<http://www.fhwa.dot.gov/environment/sidewalk2/sidewalks211.htm>

Revised Draft Guidelines for Accessible Public Rights-of-Way

<http://www.access-board.gov/prowac/draft.htm>

**ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) (current requirements)**

<http://www.access-board.gov/ada/>



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## Resources:

- **U.S. Department of Justice Resources**
  - [http://adaptiveenvironments.org/pedestrian/files/federal\\_doj.html](http://adaptiveenvironments.org/pedestrian/files/federal_doj.html)
- **U.S. Access Board Alternations Guide** <http://www.access-board.gov/PROWAC/alterations/guide.pdf>
- **MDOT Standard Plans**
  - <http://mdotwas1.mdot.state.mi.us/public/design/englishstandardplans/index.htm>





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## Contacts:

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# Questions?



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