

COUNTY ENGINEERS ASSOCIATION
OF MARYLAND



SPRING 2015 CONFERENCE

AMERICANS WITH
DISABILITIES ACT (ADA)

SELF EVALUATIONS AND TRANSITION PLANS

FOR PUBLIC RIGHTS OF WAY

DELAWARE T²/LTAP CENTER

- T² Centers or LTAPs located in all 50 states
- Funded by FHWA and state DOTs
- Mission – provide training, technical transfer, technical assistance at local level
- Delaware T² hosted by University of Delaware, part of Delaware Center for Transportation
- Delaware T² funded by FHWA and DeIDOT



OUTLINE

- ADA background/origins
- Enforcement
- Why ADA matters
- Civil case summary
- The standards, the specs, the guidelines, the policies
- Self-Evaluations
- Transition Plans
- Action – post Transition Plan
- Case study

CREDITS

- Lots of photos and illustration in here
- Unless noted otherwise, photos are by Matt Carter, Delaware T² Center, or the public domain
- Thanks to those who granted permission for use of their photos and illustrations
- We're not picking on anyone
 - Every jurisdiction has sidewalks that are brilliant and probably some that...fall short
- We learn by looking at examples
 - So lighten up



RECYCLED RESOURCE

ADA Update

Linda I. Singer
ADA Title II Coordinator

John Gover
ADA Review Team Leader

Maryland State Highway Administration

CEAM Fall 2013 Conference

“ADA Sidewalk Design and Compliance”

Presented by Dr. Richard Woo, PhD, PE
Director of Policy and Research
State Highway Administration

[http://countyengineers-
md.org/presentations.html](http://countyengineers-md.org/presentations.html)

ADA ORIGINS

- The Equal Opportunity for Individuals with Disabilities Act
 - Better known as the Americans with Disabilities Act, ADA
 - Signed into law July 26, 1990
 - It is a civil rights act
- Predecessors, Foundations
 - Rehabilitation Act of 1973 – applies to fed funded facilities
 - Frequent reference to Section 504
 - Architectural Barriers Act of 1968 – applies to fed funded facilities
 - Civil Rights Act of 1964



ADA – WHAT IS IT?

- ADA – the Act/Law

- Five Parts

- Title I: Employment
 - Title II: Public entities and public transportation
 - Title III: Public accommodation and commercial facilities
 - Title IV: Telecommunications
 - Title V: Miscellaneous provisions

Our Focus

- Regulations

- Scattered – particularly relevant examples

- Title II, Subtitle A – 28 CFR Part 35 (DOJ's territory)
 - Title II, Subtitle B – 49 CFR Part 37 (DOT's territory)

E.G.,
Clubhouses,
Restaurants,
Shops

- Standards

- Uniform Federal Accessibility Standards (UFAS) – from ABA (1968)
 - ADA Accessibility Guidelines (ADAAG)
 - (Draft) Public Right of Way Accessibility Guideline (PROWAG) – coming soon?

ENFORCEMENT – WHO'S IN CHARGE?

- U.S. Department of Justice
 - Settlement negotiations first
 - Federal lawsuits second - \$55,000 civil penalty first offense
- U.S. Department of Transportation and other federal agencies

ENFORCEMENT – WHO'S IN CHARGE?

- U.S. Access Board
 - 1968 Architectural Barriers Act
 - Section 502 of Rehabilitation Act of 1973 creates Access Board
 - Min Guidelines and Requirements for Accessible Design (1982)
 - 1990 Americans with Disabilities Act
 - ADAAG published 1991
 - Public Rights of Way Accessibility Guidelines
 - Drafted 2002...revised 2005...revised 2011...but not adopted
 - Coming soon?
- Citizens and citizen groups
 - Citizen suits similar to those under the Clean Water Act

WHY ADA SHOULD MATTER TO YOU

- It's the right thing to do
- It helps everyone, benefits all pedestrians
- 10.3% of Marylanders disabled (2012)
 - 12.4% in Delaware
- Some disabilities are temporary and can affect anyone briefly – ever broken your leg?
- Desire to encourage visitors to the State, to your County, to your Town
- It's the law
- The great equalizer – the civil courts

NOT JUST WHEELCHAIRS

Disability Types – Maryland (2012)



- 1.7% reported a Visual Disability
- 2.7% reported a Hearing Disability
- 5.7% reported an Ambulatory Disability
- 4.2% reported a Cognitive Disability
- 2.1% reported a Self-Care Disability
- 4.6% reported an Independent Living Disability

LANDMARK CIVIL ACTION

- Kinney v. Yerusalim (1993)
 - Established “alteration”
 - City was resurfacing streets but not installing ramps
 - Court established broad definition of “alteration”
 - Court narrowly limited ADA’s “undue burden” language – applies only to existing facilities and the cost of providing accessible ramps is of no issue once an alteration is undertaken



LANDMARK CIVIL ACTION

- Barden v. Sacramento (2004)
 - Went beyond just curb ramps – removal of barriers, narrow pathways, abrupt level changes, excessive slopes, overhanging obstructions and improvement of crosswalk access
 - 20% of annual Transportation Fund for 30 years allocated to make pedestrian ways accessible
 - Upgrades to ramps as part of alterations would be outside of the 20%

LANDMARK CIVIL ACTION

- CDR v. Caltrans (2008)
 - Californians for Disability Rights, Inc.
 - Ninth Circuit Court addressed Sovereign Immunity, finding that ADA's language suitably trumps the 11th Amendment to the Constitution
 - CDR also asserted that Caltrans had failed to survey its 2500 miles of sidewalk and therefore could not know what access barriers exist
 - Lack of a Transition Plan constituted a violation of ADA by itself

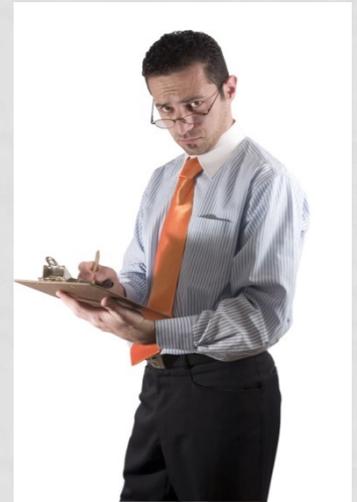


LANDMARK CIVIL ACTION

- CDR v. Caltrans – Round 2 (2009)
 - \$1.1. Billion over 30 years
 - Install 10,000 curb ramps, retrofit 50,000 existing ramps
 - Reconstruct hundreds of miles sidewalk
 - Modify 15,000 intersection pedestrian crossings
 - Audible signals for the blind
 - Temporary pedestrian routes

DOJ PROJECT CIVIC ACCESS

- U.S. DOJ
- Reviews in 50 states, Puerto Rico, Washington, DC
 - 207 settlement agreements with 192 localities
 - Buildings, building sites
 - Public rights of way/sidewalks/ramps
 - Parking
 - Communications, websites, and signage
 - Processes
 - Programs
- Goal is ADA compliance by counties, cities, towns, villages



DOJ PROJECT CIVIC ACCESS

Other states

- DOJ v. City of Frederick, Maryland (2004) – Pop. 66,382
 - 30 months – fix all curb ramps for roadways altered since January 1992
- DOJ v. Prince George's County, Maryland (2005)
 - 3 years – fix curb ramps for roadways altered since January 1992
- DOJ v. Worcester County, Maryland (2003) – Pop. 51,454
 - 3 years – fix curb ramps for roadways altered since January 1992
 - Specific parking issues
 - Specific pedestrian access route issues



DOJ PROJECT CIVIC ACCESS

- Other states
 - DOJ v. District of Columbia (2001)
 - Building and building site issues
 - DOJ v. Newark, New Jersey (2006)
 - 3 years – fix curb ramps for roadways altered since January 1992
 - DOJ v. Cape May County, New Jersey (2004)
 - 3 years – fix curb ramps for roadways altered since January 1992
 - DOJ v. Town of Warrenton, Virginia (2011) – Pop. 9,611
 - 3 years – fix the curbs, training, etc.
 - DOJ v. Suffolk, Virginia (2004) – Pop. 84,585
 - 2 years – fix curb ramps at many buildings
 - DOJ v. Craig County, Virginia (2002) – Pop. 5,190
 - 1-3 years – install curb ramps at a host of buildings
- Penalties, fees, external control of priorities



STANDARDS, SPECS, GUIDELINES

- There are lots
- Too many
 - ADAAG
 - UFAS
- Generally, we look to PROWAG (draft)
 - Public Right of Way Accessibility Guidelines
- Which ones apply to your assets require careful look
 - Details are beyond the scope of today's session
 - Look to two-day Designing Pedestrian Facilities for Accessibility (DPFA) workshop for more

SELF-EVALUATIONS

- Required – all public agencies - 28 CFR Part 35.105
- Due date: January 26, 1993
- Public agencies shall:
 - Evaluate:
 - Current services, policies, practices
 - Effects thereof that do not or may not meet ADA requirements
 - Proceed to made necessary modifications
 - As determined to be required by self-evaluation
 - Provide opportunity for participation in self-evaluation process
 - Including individuals with disabilities and organizations representing them



SELF-EVALUATIONS

Public agencies employing ≥ 50 employees shall:

- Maintain SE on file and make available for inspection:
 - List of interested persons consulted
 - Description of areas examined and problems identified
 - Description of modifications made

- And, as we shall see, prepare a Transition Plan

SELF-EVALUATIONS

Public agencies <50 employees?

- Still have to do the self-evaluation
 - Encourage your municipalities to get moving
- Should be documented
 - List of interested persons consulted
 - Description of areas examined and problems identified
 - Description of modifications made
- Doesn't have to be a big deal
 - Nothing fancy
 - A couple pages in the file
 - Something that substantiates that you know your barriers and you are working on them

TRANSITION PLANS

- 50 or more employees?
- Transition plan required - 28 CFR §35.150(d)
- Deadline to complete – July 26, 1992

- Oops is the wrong response to that
 - If not done, you really, really, really should do one now

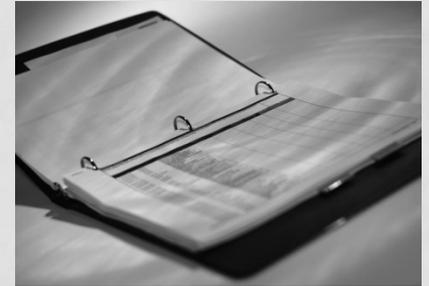
- Remember CDR v. Caltrans?

- Update periodically

TRANSITION PLANS

Transition plan contents:

- Physical obstacles that limit accessibility
- Description of methods that will be used to remedy
- Schedule of upgrades in each following year
- Identify the official responsible for implementation
 - i.e., responsible employee (28 CFR PART 35.107)



OVER 50 EMPLOYEES?

Other things you must do

- Designate an "ADA Coordinator"
 - Responsible Employee – 28 CFR Part § 35.107
- Development & postings of an ADA Policy Statement
 - 49 CFR §27.15 & 28 CFR §35.106
- Development & postings of Grievance Procedures/Complaint Procedures
 - 28 CFR Parts § 35.107 & § 35.170

ADA COORDINATOR

§ 35.107 Designation of responsible employee...

- Public entity ≥ 50 persons shall
 - Designate responsible employee
 - Coordinate efforts to comply with ADA
 - Carry out responsibilities under ADA, including investigation of any complaint
 - Public entity shall make available to all interested individuals
 - Responsible employee name
 - Office address
 - Telephone number

COMPLAINT PROCEDURE

§ 35.107 ...Complaint procedure

- Public entity ≥ 50 persons shall
 - Adopt and publish grievance procedures
 - Provide for prompt and equitable resolution of complaints alleging any action that would be prohibited by ADA

§ 35.170 (et seq.) Compliance procedures

- Specifies who may file, time for filing, where to file
- Receipt/acceptance of complaints
- Investigations and compliance reviews
- Voluntary compliance agreements
- Referral (you do not want this)

AND IF I DON'T DO THIS?

What happens, who enforces?

- DOJ can visit you
- Transportation complaints are investigated by FHWA or SHA
- Lawyers visit you



AND IF I DON'T DO THIS?

Frederick County, Maryland

- Complaint from resident
- MDSHA & FHWA investigates (Frederick is a subrecipient)
- SHA warns
 - Fix the accessibility problems
 - Or risk losing federal and/or state funding
- Self-evaluation - noncompliant with ADA
 - 97% of 2,296 curb ramps
 - 13% of 154 miles sidewalk
- \$10 million estimated price tag

AND IF I DON'T DO THIS?

Merced County, California businesses

- Complaint from citizen - at least 170 ADA cases filed
 - Marie's Mexican Kitchen - \$60K settlement sought
 - Parking, steeply sloped entrance, cracked/uneven pavement, no accessible route to restroom
 - \$50,000 in repairs, attorney fees
- Complaint from citizen – at least 375 cases filed
 - Two Shell stations
- Complaint from citizen
 - Bar B-Q Pit - \$75K sought
 - \$31,500 in repairs, attorney fees

CURB RAMP PRIORITIES

- Generally, curb ramps first
- DOJ curb ramp priorities, descending order
 - Ramps constructed/altered post-ADA (July 26, 1990) but not ADA-compliant
 - Ramps serving state/local government facilities
 - Ramps serving bus stops/other transportation services
 - Ramps serving public accommodations
 - Ramps serving business districts
 - Ramps in residential areas

AFTER SELF-EVAL/TRANSITION PLAN

- Follow the plan
 - Fund it
 - Issue work orders or contracts to make remedies
 - Document your work/progress
- Must show continuous, reasonable, good faith effort
 - Never use the term “can’t afford it”
- If conditions change, change your plan
 - Funding changes
 - Priority changes
 - Community input
- Maintain the facilities

NEW RESOURCE

Responsible Senior Program Officer: Gwen Chisholm Smith

Legal Research Digest 65

LIABILITY ASPECTS OF PEDESTRIAN FACILITIES

This report was prepared under NCHRP Project 20-6, "Legal Problems Arising Out of Highway Programs," for which the Transportation Research Board is the agency coordinating the research. The report was prepared by Terri L. Parker, Parker Corporate Enterprises, Ltd., and Ronald Effland, Missouri Highway and Transportation Commission. James B. McDaniel, TRB Counsel for Legal Research Projects, was the principal investigator and content editor.

The Problem and Its Solution

State highway departments and transportation agencies have a continuing need to keep abreast of operating practices and legal elements of specific problems in highway law. This report continues NCHRP's practice of keeping departments up-to-date on laws that will affect their operations.

Applications

Walkways and areas where pedestrians cross roads have traditionally been an area vulnerable to tort claims involving pedestrians injured in trip and fall incidents or vehicle accidents. Public agencies also have exposure in terms of Americans with Disabilities Act (ADA) complaints or lawsuits alleging civil rights violations due to inaccessible pedestrian features. In the cases of both tort claims and accessibility-related claims, media highlights may feature unusual cases that are not representative of either jury verdicts or judicial opinions. Regardless of the out-of-pocket costs of litigation, state and local agencies must appropriately construct and maintain their pedestrian facilities in order to maintain a

reasonably safe transportation system. The most recent data available at the time of this digest indicates that 4,432 pedestrians died in traffic crashes in 2011, which was a 3 percent increase from the number reported in 2010. In fact, in 2011, pedestrian deaths accounted for 14 percent of all traffic fatalities.

Limited or incorrect information exists about legal aspects associated with the design, construction, inspection, maintenance, and operation of pedestrian facilities.

This digest provides a view and analysis of recent jury verdicts and court decisions addressing tort liability and ADA-related claims covering pedestrian facilities to the extent that information is available. The main objective of this research was to assess liability and claims concerning pedestrian facilities or the lack of such facilities and their interaction with highways. By providing insight into the nature and disposition of pedestrian facility-related claims, the research results should contribute to enhanced safety and accessibility of pedestrian facilities. The digest should be useful to transportation officials, attorneys, engineers, planners, law enforcement officials, pedestrians, and all interested in safe pedestrian traffic.

TRANSPORTATION RESEARCH BOARD
OF THE NATIONAL ACADEMIES

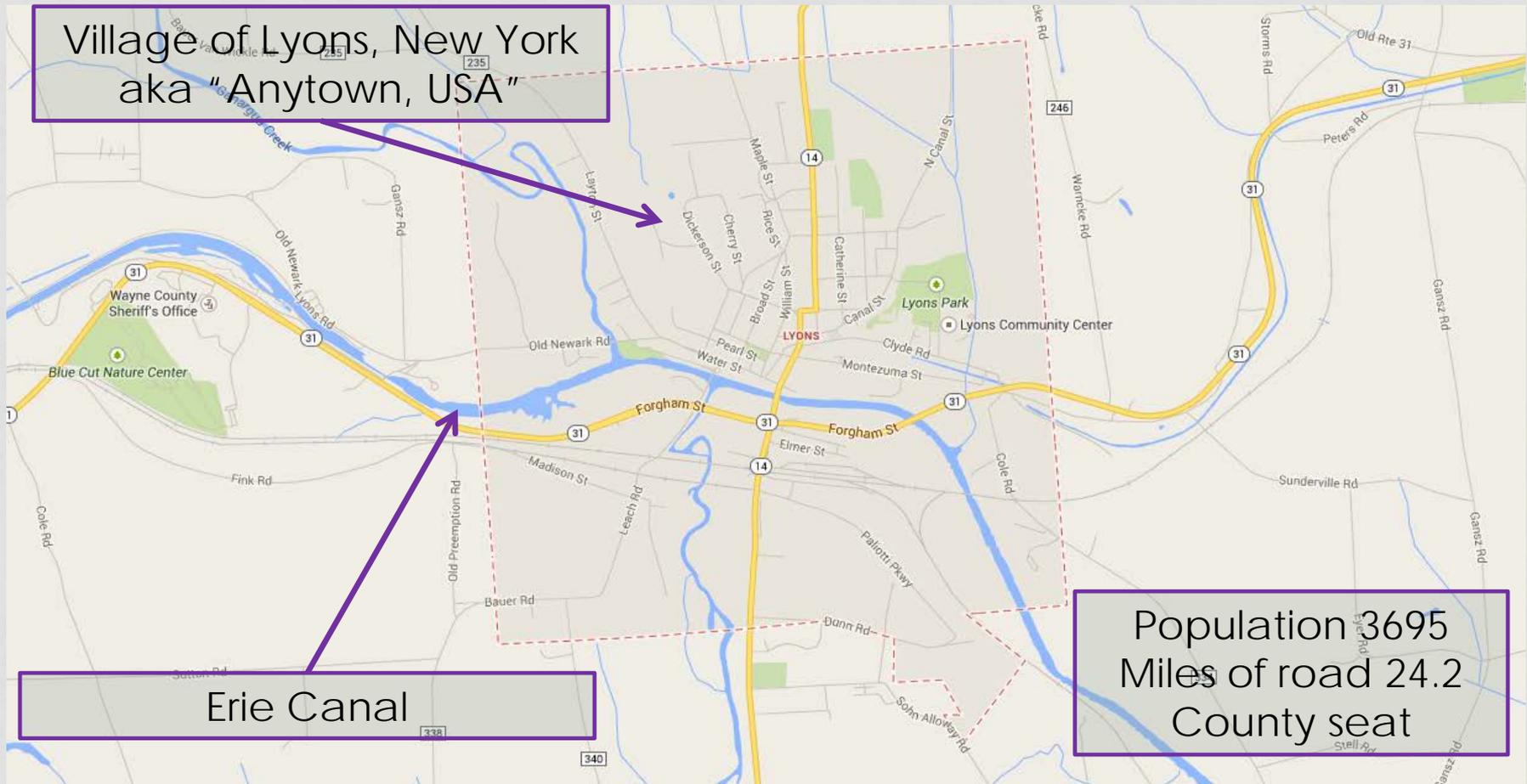
Liability Aspects of Pedestrian Facilities

May 2015

[http://www.trb.org/
Publications/Blurbs/
172532.aspx](http://www.trb.org/Publications/Blurbs/172532.aspx)

CASE STUDY

Village of Lyons, New York
aka "Anytown, USA"



Erie Canal

Population 3695
Miles of road 24.2
County seat

CASE STUDY



Source: Google Earth

CASE STUDY



Source: Google Earth

CASE STUDY



Source: Google Earth

CASE STUDY

- “Whistleblower” files complaint with FHWA and/or NYS DOT
- FHWA requests copy of Village transition plan
- None can be found – exhaustive, protracted search
- Dec 2008 – Mayor submits intersection inventory to FHWA – map coded red, green, yellow
- March 2009 – FHWA advises need for transition plan

CASE STUDY



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division
September 24, 2008

Leo W. O'Brien Federal Building, Suite 719
Clinton Avenue & North Pearl Street
Albany, NY 12207

RECEIVED
SEP 25 2008
VILLAGE OF
LYONS

In Reply Refer To:
HPC-NY

The Honorable Corrine Kleisle
Mayor of Lyons
76 William Street
Lyons, NY 14489

Dear Mayor Kleisle:

I am requesting information as to the status of the village's transition plan to provide pedestrian access for persons with disabilities in compliance with Americans with Disability Act (ADA) Title II. All State and local governmental agencies must provide pedestrian access for persons with disabilities in compliance with ADA Title II, 42 United States Code (U.S.C.) §12131(1). Federal, State, and local governments must provide pedestrian access for persons with disabilities in compliance with Section 504 standards.

The ADA requires any public agency with more than 50 employees to make a transition plan setting forth the steps necessary to make its facilities accessible to persons with disabilities. The transition plan should have been completed by January 26, 1992, and should be based on updates of the self-evaluation conducted to comply with the requirements of Section 504. Changes to the plan shall be made available to the public for comment. The ADA deadline for completing the improvements listed in the transition plans was January 26, 1995. For those State and localities that have not completed their self-evaluation and transition plans, it is critical that they complete this process.

The transition plan must include a schedule for providing access features, including curb ramps for walkways. The schedule should first provide for pedestrian access upgrades to State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas. The transition plan should accomplish the following four tasks:

1. Identify physical obstacles in the public agency's facilities that limit the accessibility of its programs or activities to individuals with disabilities.
2. Describe in detail the methods that will be used to make the facilities accessible.
3. Specify the schedule for taking the steps necessary to upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the transition plan.

MOVING THE
AMERICAN
ECONOMY

2

ref

Mayor Kleisle

2

4. Indicate the official responsible for implementation of the plan.

If you have any questions regarding this matter, you may contact Tom Herritt at 518-431-4125 Extension 233.

Sincerely,

Jeffrey W. Kolb, P.E.
Division Administrator

The transition plan should have been completed by January 26, 1992, and should be based on updates of the self-evaluation conducted to comply with the requirements of Section 504. Changes to the plan shall be made available to the public for comment. The ADA deadline for completing the improvements listed in the transition plans was January 26, 1995. For those State and localities that have not completed their self-evaluation and transition plans, it is critical that they complete this process.

Pleasant enough...but this is
not a friendly inquiry

CASE STUDY

- Inventory/map
 - Green — have curb cut
 - Red — do not have curb cut
 - Yellow — no sidewalks and therefore no intersections requiring curb cuts
- Good start, says FHWA, but not a transition plan
- Transition Plan effective date September 10, 2013

CASE STUDY

Village of Lyons

76 William Street, Lyons, NY 14489
Phone: 315-946-4531, Fax 315-946-6206
Website: www.lyonsny.com
August 15, 2013

Americans with Disabilities Act Transition Plan:
Pedestrian Facilities in the Public Right-of-Way



Table of Contents

Introduction.....	3
Legal Requirements	3
Obstacles to the Public Right-of-Way	3
Barrier Removal Priorities	4
Location Priority.....	4
Accessibility Condition.....	4
Priority Rank	4
Public Complaint Process	4
New Construction & Alterations	5
Schedule	5
Responsible Individual	5
Public Input.....	6
Attachments	7

Let's explore this example
and see what we can
learn from it...

CASE STUDY

- Simple self evaluation
- Red, yellow, green

3	Phelps (Route 14) & Holley	Curb cuts, ADA inserts		
3	Phelps (Route 14) & Lawrence	Curb cuts, ADA inserts		
3	Catherine & Lawrence	Curb cuts		
3	Spencer & Canal	Curb cuts		

3	Dickerson	No curb cuts required	Sidewalk on East side	No curb cuts
3	Butternut	No curb cuts	Sidewalk on East side: no sidewalk	No sidewalks on Manhattan
3	Montezuma & Scott	No curb cuts	No sidewalk on Scott	No sidewalks

Attachment A - Current List of Barriers for Removal in Priority Schedule Order

3	Elmer & Cross	Curb cuts on West side	No curb cuts on East side	
3	Elmer & Geneva	Curb cuts		
3	DePew & Geneva	Curb cuts		
2	Water & Broad	Curb cuts, 1 in, 3 needed		
3	Bear		No curb cuts	Sidewalk on East side
3	Cherry		No curb cuts	Sidewalk on East Side
3	Butternut & Queen	Curb cuts		
3	Butternut & Church		No curb cuts	
3	Butternut & Pearl		No curb cuts	
3	Butternut & Water		No curb cuts	
2	Broad & Pearl	Curb cuts, 2 ADA, 2 needed		
2	Broad & Church	Curb cuts, 1 ADA		
3	Broad & Queen	Curb cuts, ADA inserts, 3 needed		
3	High		No curb cuts	
3	High & Church	Curb cuts		
1	Clyde & Manhattan	Curb cuts		Sidewalk on East side
1	Congress & Pearl	Curb cuts		
3	Maple/Broad & Rice	Curb cuts		
3	Jackson & N. Joy		No curb cuts	

3	Maple & VanMarter		No curb cuts	Sidewalk on South side: slate in poor condition
3	Maple & Culver	Curb cuts		
3	Maple & Foster	Curb cuts		
3	Shaw Street			No sidewalks
3	Maple & Sisson	Curb cuts		
3	Summit & Culver	Curb cut NE corner		
3	Canal & Joy		No curb cuts	
3	Geneva & Shaler		No curb cuts	

	No sidewalks	
	No sidewalk - south side	
	No sidewalks- north & south side	No curb cuts on West side

	No curb cut NE corner	
	No curb cut	
	No curb cut NW corner	

CASE STUDY

...will be performing a project in the Village of Lyons that will retrofit existing sidewalk ramps constructed under a previous Department project with detectable warning fields. Construction will begin in July, 2010 and is expected to be completed December 2010. The Department of Transportation is funding this project. Your municipality will not incur any installation cost.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION FOUR
1530 JEFFERSON ROAD
ROCHESTER, NEW YORK 14623-3161
www.nysdot.gov

ROBERT A. TRAVER, P.E.
ACTING REGIONAL DIRECTOR

April 26, 2010

Hon. Corrine Kleisle, Mayor
Village of Lyons
76 William Street
Lyons, NY 14489

Dear Hon. Kleisle:

The New York State Department of Transportation will be performing a project in the Village of Lyons that will retrofit existing sidewalk ramps constructed under a previous Department project with *detectable warning fields*. Construction will begin in July, 2010 and is expected to be completed December 2010. The Department of Transportation is funding this project. Your municipality will not incur any installation cost.

Attached is a copy of our specification for ADA *detectable warning fields* on sidewalks ramps. Also included are location maps showing the ramps to be retrofitted. The Department of Justice has required all ramps constructed since 2001 to include, or be retrofitted with, *detectable warning fields*. This contract will address ramps constructed prior to 2001 to provide improved safety for pedestrians with visual impairments.

Please be advised that, upon completion of this project, the Village of Lyons will have continued maintenance jurisdiction of the sidewalk ramps, including the newly installed detectable warnings. To reduce maintenance expense, it is suggested that sidewalk snow plow drivers slightly raise their blades, as they approach these detectable warning fields, to minimize any unintended damages.

If you have any questions about this project or you would like additional information, please contact Jan Harman, Project Designer by email or phone at jharman@dot.state.ny.us or at 272-3358.

Sincerely,

Kevin Miller, L.A.
Senior Landscape Architect

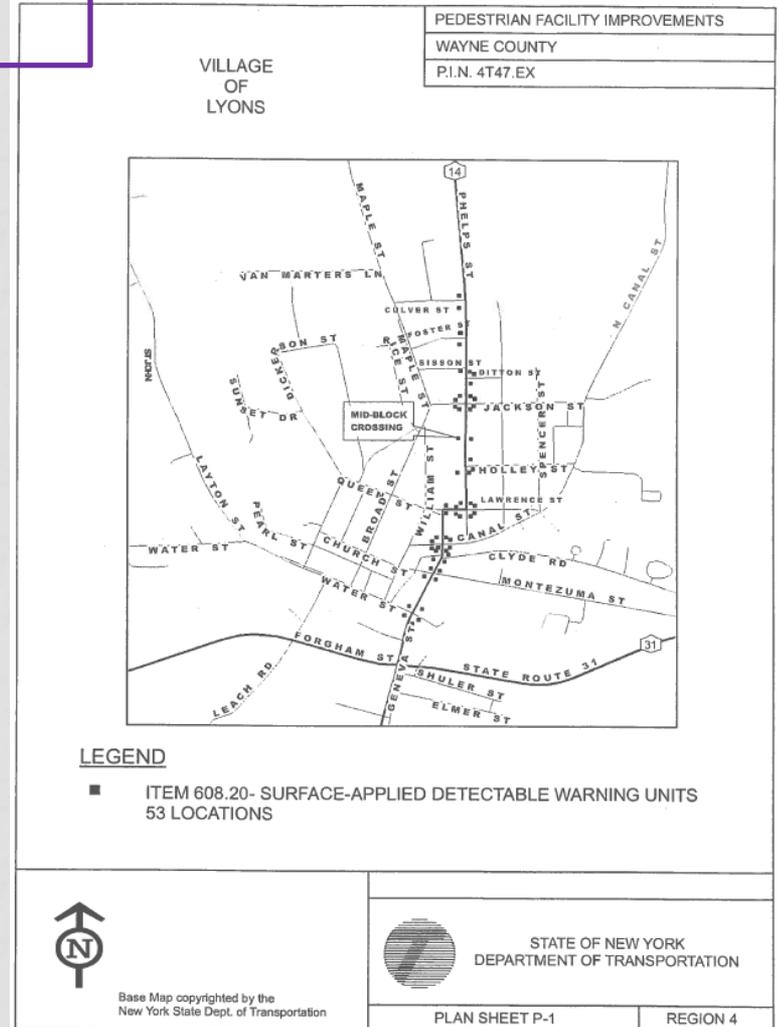
Enclosures

cc: Lori Maher, Region Public Information Officer

RECEIVED
APR 21 2010
VILLAGE OF LYONS

STANLEY GEE
ACTING COMMISSIONER

NYS DOT does their part



SHA'S TRANSITION PLAN

- County by county assessment
- Financial plans
- <http://www.sha.maryland.gov/Index.aspx?PageId=576>



Americans with Disabilities Act

Transition Plan for
Public Rights-of-Way

December 2009

This document is available in alternative formats upon request

STATEWIDE	
Sidewalk Collected	4,615,379 feet
Sidewalk ADA Compliant	2,404,349 feet
	52%
Bus Stops Collected	2,618
Bus Stops ADA Compliant	1,304
	50%
Ramps Collected	24,981
Ramps ADA Compliant	1,412
	6%
Driveway Crossings Collected	18,198
Driveway Crossings ADA Compliant	3,554
	20%
Median Treatments Collected	1,183
Median Treatments ADA Compliant	507
	43%
	874
	455
	52%

WHAT SHOULD YOU DO?

- Self-evaluation done?
 - No?
 - Start that...tomorrow
- Transition plan required/desirable?
 - Done?
 - No?
 - Tomorrow
- Self-evaluation/transition plan outdated?
 - Update it
 - Assess progress
 - Public involvement

WHAT SHOULD YOU DO?

- Grievance/complaint procedure
- Designate ADA coordinator
 - Think about who he/she reports to
 - Independence?
 - Authority?
- Public involvement
 - Including/particularly those with disabilities and those representing them
- Educate all staff
 - Policies (internally and externally)
 - Resources and who to call for assistance

WHAT SHOULD YOU DO?

- Fund improvements
 - Get started on that backlog (back to January 1992)
- When you alter a street, upgrade the curb ramps

MAINTENANCE		
Chip Seals	Fog Seals	Scrub Sealing
Crack Filling and Sealing	Joint Crack Seals	Slurry Seals
Diamond Grinding	Joint repairs	Spot High-Friction Treatments
Dowel Bar Retrofit	Pavement Patching	Surface Sealing

ALTERATION	
Addition of New Layer of Asphalt	Mill & Fill / Mill & Overlay
Cape Seals	New Construction
Hot In-Place Recycling	Open-graded Surface Course
Microsurfacing / Thin-Lift Overlay	Rehabilitation and Reconstruction

- Follow up on complaints
- Fulfill requests for facilities (curb ramps, sidewalks, ped signals, detectable warnings, etc.)

WHAT SHOULD YOU DO?

Once you've built it, maintain it!

- Ocean City, Maryland
 - Elderly woman fell from wheelchair
 - Open fracture to left arm
 - Caught chair on "rubber warning mat" (detectable warnings)
 - DW worn at center and edge - not flat/uniform as per ADA
 - \$750,000 lawsuit
 - Negligence, strict liability, violation of ADA
 - Originally filed with MD Treasurer's Office
 - State said no thanks – designated OC as appropriate party
 - Suit alleges City failed to properly maintain

STUCK GETTING STARTED?

- Maryland T² Center
- Delaware T²/LTAP Center
- Just dive in and come up with a plan
 - Like many, you're probably far behind
 - So...get started
 - Baby steps are better than sitting in a chair

"The best time to plant an oak tree was 25 years ago.
The second best time is today."

- widely quoted, origin unknown

QUESTIONS

Matheu J. Carter, P.E.
Municipal Engineering Circuit Rider
Delaware T²/LTAP Center
355 DuPont Hall
University of Delaware
Newark, Delaware 19716
(302) 831-7236
matheu@udel.edu

<http://sites.udel.edu/dct/t2-center/>

This document and/or its attachments may contain analyses or other technical information. These are prepared as an Information Service of the Delaware T² Center and are provided "as is" without warranty of any kind, either expressed or implied. The Delaware T² Center, and its funding agencies (e.g., DelDOT, FHWA, University of Delaware) shall not be responsible for the use of this information. The products and technologies discussed herein (some of which are proprietary) are not endorsed by the author or the Delaware T² Center. Except where noted, all content herein, including photographs and tables, were developed and produced by the Delaware T² Center and may not be reprinted or otherwise used without written permission.