FHWA Perspective on ADA Laws and Regulations
February 2015

Michigan Division Office
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
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
Statistics (continued):

- Well over 10% of population is considered disabled in some form
- In one's 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
History:

• 1973: Section 504 of the Rehabilitation Act
  • No individual shall be denied benefits or be discriminated by programs receiving Federal Funds
  • 1st law to cover people with disabilities
History (continued):
- 1990: The American Disabilities Act
  - Wide reaching—from transportation to discrimination in the workplace
  - 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
History (continued):
• 1994: 1st 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
History (continued):

• 2003: 49 CFR 27
  • Specific addresses transport facilities receiving Federal Aid
  • Addresses curb cuts with accessible ramps to accommodate wheel chairs
History (continued):

  - 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.
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
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
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
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 cannot meet every situation. Focus on the intent of the law, mobility
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/
Resources:

- U.S. Department of Justice Resources


- MDOT Standard Plans
  - http://mdotwas1.mdot.state.mi.us/public/design/englishstandardplans/index.htm
Contacts:

- **MDOT:**
  - Local Agency Programs Unit
- **FHWA:**
  - Arnita Furgason
    Civil Rights Specialist: 517-702-1853
  - Kurt Zachary
    Local Program: 517-702-1832
Questions?