HANDICAPPED CURB RAMPS ON PUBLIC HIGHWAY RIGHT-OF-WAY

Edward Ratulowski

BACKGROUND
FIRST FEDERAL LAW

- Architectural Barriers Act of 1968
  - All facilities constructed with Federal Funds must be accessible to the handicapped
**BACKGROUND**

**SECOND FEDERAL LAW**

- **Federal-Aid Highway Act of 1973**
  - Required that Federal-aid projects constructed after July 1976, that include sidewalks, have curb ramps
  - Implementing regulation requires that states pass a law to require curb ramps where there are sidewalks

**BACKGROUND**

**INDIANA HOUSE ENROLLED ACT - 1767**

- **Sec. 2.** “All new construction or reconstruction of public roads or streets funded wholly or in part by funds of the state, a county, or any city or town shall include the installation of permanent curb ramps at all crosswalks at all intersections where curbs and permanent sidewalks are constructed *
- **Sec. 3.** Applies only to curbs constructed or reconstructed after June 30, 1978
  - *Signed into law by Governor, 4/21/77*
  - *Incorporated into Indiana Code 8-11*
CURRENT FEDERAL LAW
AMERICANS WITH DISABILITIES ACT (ADA) Established JULY 26, 1990

- Five Titles; covering disability non-discrimination in employment, telecommunications, and commercial & public facilities
- TITLE II - Nondiscrimination on the basis of disability in State and Local Government Services
  - Curb ramps are covered under Title II

CURB RAMP COMPLIANCE TIMETABLE

- Based on Department of Justice Final Rule in July 26, 1991 Federal Register
  - July 26, 1992 – Transition Plan*
  - January 26, 1993 – Self Evaluation
  - January 26, 1995 – All curb ramps installed

*Written transition plan required only for public agencies with 50 or more employees
SELF EVALUATION

- Inventory of locations with sidewalks and curbs where curb ramps are:
  - Non-existent
  - Non-standard
  - Standard
  - Include condition of sidewalks so that a coordinated program can be developed
  - Use current curb ramps standards when conducting inventory

CURRENT CURB RAMP STANDARDS

- Uniform Federal Accessibility Standards (UFAS)
- ADA Accessibility Guidelines (ADAAG)
- Indiana Department of Transportation Standard Drawings
TRANSITION PLAN DEVELOPMENT

- Prioritize schedule for installation of new curb ramps and for upgrading existing non-standard curb ramps
- Prepare draft Transition Plan
- Obtain comments at public hearing
- Finalize plan
  - Consider input from public meeting

DESIRED TRANSITION PLAN COMPONENTS

- Identify person responsible for implementation
- Establish procedure for receiving and resolving complaints
- Place priority on areas with high demand; hospitals, doctors offices, schools, public buildings, etc
- Phase construction of curb ramps, in other areas of city & county, in with sidewalk construction; where possible
- Identify funding source
COMPLAINTS UNRESOLVED AT LOCAL LEVELS PROCEDURES

- Complainant completes a standard form and send to U.S. Department of Justice
- Department of Justice requests FHWA to resolve
- FHWA contacts complainant by phone to verify
- Field review between local agency representative and complainant
- FHWA attempts to resolve informally & obtain timely corrective action

LONG TERM COMPLAINT RESOLUTION

- FHWA & Local Agency prepare a "Voluntary Compliance Agreement"
  - Legal document signed by highest public official-Mayor/FHWA Division Administrator
VOLUNTARY COMPLIANCE AGREEMENT

- Components
  - Corrective action & target dates
  - Enforcement by Dept of Justice
  - Quarterly Progress Reports to FHWA Division Office

COMMON ERRORS

1. Slopes considerably steeper than 12:1
2. One inch high curb lip uses. Bottom of curb ramp must be flush with roadway pavement surface.
COMMON ERRORS

SOURCES OF ADA INFORMATION

- ADA Website
  - [http://www.access-board.gov](http://www.access-board.gov)
    - Click on Publications
    - Scroll down to "Public Rights-Of-Way"
    - Click on Building a True Community; Accessible Public Rights of Way
SOURCES OF ADA INFORMATION

□ INDOT WEBSITE
  □ http://www.state.in.us/dot/
    □ Click on Doing Business with INDOT
    □ Click on Consultants and Contractors
    □ Click on Standard Drawings (English & Metric)
    □ Click on Standard Drawing Complete Set
    □ Click on Section 600 Incidental Construction
    □ Click on Standard Drawings
      □ 604 SDWK – 01
      □ 604 SWRC – 01 thru 14
      □ 610 DRIV – 01 thru 03

INFORMATION ON ALL FIVE ADA TITLES

□ Disability and Business Technical Assistance Center
  □ One Stop Shop—Ten centers nationwide
    (Indiana calls go to Chicago)
  □ 1-800-949-4232

□ ADA Design Guidelines
  □ Architectural and Transportation Barriers Compliance Board
  □ 1-800-872-2253

◆ Americans With Disabilities Act and Code of Federal Regulations
  □ Department of Justice
  □ 1-800-514-0301

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