



# COLORADO

## Department of Transportation

Office of the Chief Engineer

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### MEMORANDUM

TO: RTDS, PE IIIS, PE IIS AND PLANNERS

FROM: JOSH LAIPPLY, CHIEF ENGINEER

DATE: SEPTEMBER 12, 2016

SUBJECT: ADA TITLE II PROGRAM UPDATE

#### Purpose

This memo is intended to provide employees with information regarding CDOT's commitment to the Americans with Disabilities Act Title II Program, provide a status update on ADA curb ramps on CDOT roadways, and provide direction on next steps related to furthering mobility and accessibility for all users of the transportation system.

#### Background

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and accessibility to public accommodations, transportation, and telecommunications. The ADA is a companion civil rights legislation to Section 504 of the Rehabilitation Act of 1973. This legislation mandates that individuals with disabilities shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity.

For CDOT and local agencies who receive federal funding, the programs or activities applicable to ADA requirements are any transportation-related efforts including but not limited to: roadways, contiguous walkways, intersections, rest areas, roadside emergency telephones, public conveyances such as buses and light rail, and literature related to any of these. At CDOT, we want to support accessibility and mobility for all users of all modes of transportation that connect to our roadways.

CDOT has been constructing curb ramps long before the passage of the 1990 ADA law. It is not known when CDOT constructed its first curb ramp, but standard designs, M-608-1, have been identified going all the way back to September 5, 1974. Since then the department has constructed nearly 20,000 curb ramps along the state highway system. Despite these efforts, many barriers to accessibility still exist. In addition, as we have gained experience with improving accessibility the standards have evolved and improved as well. As a result, facilities that were built years ago may no longer be acceptable according to current best practices.

#### Current ADA Title II Program Status

In keeping with our goal of providing mobility and accessibility to all users of the transportation system, CDOT's Executive Management Team (EMT) have expressed a strong desire to aggressively increase ADA accessibility and move forward with a strategic and programmatic approach to achieving full compliance. This approach will address pedestrian crossings that would not be addressed through regular project delivery based on the projects currently identified. The EMT's intent is to bring CDOT into full compliance with ADA Title II (curb ramps) within five years.

A key element of this initiative is the adoption of the Public Right-of-Way Accessibility Guideline (PROWAG). PROWAG is considered to be state of the art in accessibility for transportation facilities, unlike previous standards which were more



oriented towards buildings. A small task group is currently working with the Civil Rights and Business Resource Center staff to update CDOT standards and specifications utilizing PROWAG for best practices and guidance. Once we have revised our standard plans and specifications, the adoption of PROWAG will provide criteria that are better suited to the transportation environment while also providing better accessibility to the disabled community.

Another element of this initiative is an update to the ADA Transition Plan. This plan is required by the Department of Justice 28 CFR Section 35.150(d) and the Department of Transportation regulations, 49 CFR Section 27.11 to address critical aspects of pedestrian accessibility. The transition plan defines our efforts to achieve full compliance with the ADA Title II along with a schedule for implementation. The transition plan will also define a methodology for prioritizing the construction of new ramps and the modification or replacement of existing ramps throughout the state. This prioritization will include factors such as the location of the ramps, i.e. adjacent to public buildings, along with the geometric parameters of the ramps, i.e. whether it has detectable warnings or not.

The 2013 transition plan can be found on the CDOT website at:  
<https://www.codot.gov/business/civilrights/accessibility/ada/program>

The update also includes an inventory of all of the intersections and curb ramps on the state highway system, along with the current geometric parameters for those ramps. In 2013 CDOT inventoried existing geometrics for 19,632 curb ramps and developed a GIS database which can be used to query the parameters to assist with project scoping and prioritizing efforts. Based on the GIS database 2,616 of the 19,632 curb ramps statewide (13%) currently conform to PROWAG geometric criteria. Efforts are underway to update this data along with developing tools to help project teams prioritize curb ramps improvements.

An "As-Built Form" will also be piloted this construction season in an attempt to inventory geometric data as curb ramps are being upgraded to ensure that information within the database is as up-to-date as possible. Processes are also being developed to document design exemptions, constructability issues, as well as the definition of "maximum extent feasible" as it relates to curb ramps. In addition, there are also steps being taken towards updating the ADA Policy and Procedural Directives to address FHWA guidance that came out in 2013. A vast amount of information related to ADA can be found at <https://www.codot.gov/business/civilrights/accessibility/ada/program>.

### Summary

The EMT believes that the proposed prioritization methodology and schedule for constructing and upgrading curb ramps is essential to providing mobility and accessibility for all users of the transportation system in Colorado. In addition, a programmatic approach to constructing and upgrading curb ramps will likely reduce project delays and possibly save CDOT money. The EMT recently received Transportation Commission approval for \$3.5 million of TC Contingency Funds for FY and additional funding each year for 5 years totaling \$85 million in funding dedicated to this initiative. This amount of funding was estimated to be able to bring Colorado near 100% compliance if it is directed toward ramps not already being addressed in our 5 year program. This innovative strategy is consistent with the executive management vision of becoming the best DOT in the nation.

