Event: 2024 Virtual ADA Conference for State and Local Governments - Session 1C

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JOHAN: Thank you all for joining us we will get started in about one minute. Good afternoon and welcome back to the 2024 Virtual ADA Conference for State and Local Government. This is Johan Rempel speaking. I am assisting with some of the logistics for this conference. I am going to cover some housekeeping items before we kick it off to our next presenters.

For the entirety of this conference, we are offering closed captioning, live captions. There are two ways to access them. You can access the Streamtext link made available in the chat. That opens a third party application that provides an individual with a number of different options. Then the second way to access the captions is through the Zoom toolbar. There is a bright red arrow pointing to ‘CC’ closed caption option on the toolbar. That is displayed on the screen. That is the second way of accessing the captions.

We are also providing ASL interpretation. A big thank you to our ASL interpreter as well. They have been spotlighted so the host or cohost can pop spotlight so they can continue to be visible for everyone. Whomever is spotlighted will appear in the Speaker View.

Any participant can pin any other participant's video at any time. It only impacts the participants display. How to pin is fairly easy to hover over the participant you wish to pin and select … over their name and from the menu choose pin.

I want to mention there is the opportunity to ask questions throughout the presentation. On the toolbar there should be a Q&A option. We will post various pieces of information in the chat. Right now to control the traffic, we are disabling the chat for attendees but we will push essential information to the chat. You can ask your questions through the Q&A and the presenters will do their best to address as many questions as they are able.

I want to also mention that when we close out the sessions for the remainder of the three day conference, we need to sign out so everybody will leave the room. And then you will sign back in for the next session. This is the third session of the day and the last session. Tomorrow there are three sessions scheduled as well, as well as Thursday.

This is also being recorded. It is going to be archived as an MP4 video. The PowerPoints have been sent out already as accessible PDFs. Those will also be made available in the coming weeks along with the full transcript.

All attendees and registrants will be notified of. We are going to start recording now. I will now pass this on to Barbara Tucker who serves as the Administrative Services Coordinator through the ADA Coordinators Office.

BARBARA: Thank you Johan and good afternoon and welcome back. As stated my name is Barbara Tucker your moderator for this afternoon last session. Welcome to session 1C entitled *Understanding The Pedestrian Right-Of-Way Accessibility Guidelines* - *PROWAG*.

The presenters for today are Steven Jones and Donna Hall McDaniel. Mr. Jones serves as the Assistant ADA Coordinator and Senior ADA Architect for the State ADA Coordinators Office. He provides technical assistance and training on issues of accessibility in the built environment to all State of Georgia entities, local code enforcement officials, design professionals

and property owners and the general public.

Donna Hall McDaniel served as the ADA Architect for the state ADA Coordinators Office and is a facility access professional with almost 40 years of experience in architecture. Donna is highly skilled in the navigation of zoning restrictions, code instruction and construction law. You can find their complete bios in the registration materials. Welcome to Donna and Steve.

DONNA: Thank you. Thank you for that introduction Barbara. Let us get started. Now that the Access Board has issued its final rules for the minimum guidelines for accessibility and pedestrian facilities in the public right-of-way let us take a road trip to PROWAG.

Come along with FDR and his Model T, when diagnosed with polio in 1941 he was so uncomfortable with his disability, he had the Secret Service interfere with anyone who tried to take photos of him in a disabled position.

But he did begin to change lives with the founding of Warm Springs in 1927. As president, he signed the Social Security bill in 1935 which provided for crippled children. By the time of his death in 1945, he was admired as a symbol of strength and perseverance which did change attitudes about disability.

President Eisenhower present Hugo Deffner with the handicapped American of the year award in 1957. The ceremony was delayed due to lack of an accessible entrance. This prompted the president’s committee to address architectural barriers which helped launch the Accessible Design standards in 1961, the American National Standard better known as ANSI, accessible and usable buildings and facilities.

In 1968, President Lyndon Johnson signed the Architectural Barrier Act and in 1990, President George W. Bush signed the Americans with Disabilities Act the ADA and in 1991 the ADA Standards were published for accessibility design.

For 1992, the accessible issue proposed guidelines which include pedestrian facilities in the public right-of-way. In 1998, the first final guidelines did not include pedestrian facilities in the right-of-way. In 2006, the ADA Standards were adopted by the US Department of Transportation for public transportation facilities.

In 2008 the Department of Defense applied the ADA Standards for defense facilities which included accessible requirements. In 2010, the US Department of Justice applied the 2010 ADA Standards for accessibility design with also include accessible requirements. The Access Board ADA updated in 2014 to include provisions for Outdoor Developed Areas on Federal Land which included accessibility.

That was a lot! Let us stop for a moment to look back at the 30th anniversary of the Americans with Disabilities Act. We celebrated 2021. Before we shifted gears to look forward to 2024.

This has been a journey of more than 30 years to the U.S. Access Board issue of its final rules for accessibility guidelines for pedestrian facilities in the public right-of-way.

Changes coming let us take this opportunity to embrace this change. I would now like to turn the presentation over to Steve Jones.

STEVE: Hello, this is Steve Jones. Thank you Donna. I have the privilege to work with Stacey and Barbara and Donna previously with Cheryl and Mike and the leader of the effort to improve accessibility. I am very thankful to the Access Board for their many years of effort in preparation for this clarifying set of standards. PROWAG the public right-of-way accessibility guidelines.

Why is PROWAG so important? As a social human population, we typically are located and focused in a general geographic area. We have built structures and organized civil interactions around our housing, employment and commerce like shopping, medical needs and social service.

Typically these built up environments have designated circulation spaces among them for everyone to use. With the ADA in place in the United States, we as a corporate body have responsibility to make and maintain these public circulation areas accessibility. So we can all engage in our society reasonably.

PROWAG will begin to set a clear uniform minimum standard for these pedestrian public right-of-way facilities. Specifically, sidewalks and streets with crosswalks, with curb ramps in signals. Paths for bicycles and pedestrians together and even on the street parking for vehicles.

Once adopted, PROWAG will be a specific objective enforceable standard for pedestrian public right-of-way facilities. The ADA which holds those who have this responsibility for the built environment facilities to be accessible, typically Title II of the ADA and also the ABA for federal projects and Section 504 of the Rehab Act federal funds are used.

State and Local Government entities have these obligations typically see them as general and subjective in nature. Because they were intended for buildings and sites and not written specifically for the pedestrian circulation around and between them.

Specifically, they see them as regarding program access, the overarching application for title to entities. So when they provide the program over pedestrian circulation that it is to be accessible,.

Program access is an overarching obligation of the ADA, PROWAG does not require reworking of existing facilities to make them accessible to the individual within disabilities unless it is being altered.

In time the existing barriers will be removed with new construction and alterations. Effective communication and equal access general obligations that the ADA has will be addressed.

For the next 20 minutes or so we will take some time to observe what these existing barriers are. We will review from various perspectives individuals with various disabilities. Consider yourself in each of these situations as we watch these videos about barriers faced by everyday wheelchair users.

So we can see why and how PROWAG will be helpful and important for accessibility, specifically this is also seen in a recent Chicago court case mentioned in our first presentation from Barry and Rachel early this morning regarding crossing signals.

The Atlanta class action settlement agreement regarding sidewalks as well. These videos are a bit dated but they very appropriately show the challenges faced by individuals with this every day.

[VIDEO PLAYING]

[VIDEO STOPS]

STEVE: Thank you. Publicize the public right-of-way accessibility guidelines and now they are finalized and once they are enforceable and set in place by the Department of Justice and DOT, even now as a best practice it can be used.

PROWAG addresses many of these barriers seen in these videos such as requiring different details of access. Now let us take some time and consider the experiences of our world with limited site. Imagine being blind in a world full of barriers.

Why do you think it is so that vision and hearing concerns do not stand out like mobility issues and can be overlooked? I think it is because they look like everyone else in the crowd yet walking focused on challenges of the terrain in their path of travel, although some may see them as if they were paying any attention.

This next video demonstrates very appropriately many of the barriers faced every day by those with visual impairments.

[ VIDEO PLAYING ]

[ VIDEO STOPS ]

STEVE: The public right-of-way accessibility guidelines are now finalized. Once enforceable, by the Department of Justice and the Department of Transportation, they will address many of the barriers seen in these videos. Right now they can be used as best practice when designing. Specifically, some of the things were going to cover and that Donna will cover in detail are the clear routes that are accessible, wide passing spaces, safe crosswalks at roundabouts with pedestrian signal heads.

Activated warning devices with audio and vibrotactile communication. Manageable grades, standard tactile warning surfaces, compliant curb ramps in each direction with blended transitions. That is just to name a few.

People are the reason PROWAG is important. It will benefit everyone. Now let us take a self-graded quiz on PROWAG. This is not a Zoom poll but feel free to add any questions or comments in the Q&A section of Zoom.

The question we ask is which of the following issues does PROWAG address? Take time to think about it as I read each of these on the list. Clear accessible route I am sorry clear accessible widths on routes. Brick crosswalk for cane detection. Spaces wide enough to pass safely. Raise crosswalks on roundabouts. One curb cut at each intersection. Warning devices with sound and vibration. Tactile warning. Blended transitions.

Running down the list of issues, only two of these are not addressed specifically in PROWAG. Let us review each. PROWAG has a requirement for 48 inches minimum on pedestrian routes. This is 12 inches more than in the ADA. It does not have an exception for less than 48 inches like the ADA. It is more restrictive and has a wider width requirement.

PROWAG does not address the specific paving material at crosswalks. Although we must have the characteristics of being firm, stable and resistant and do not have a specific requirement for the type of material other than those characteristics.

PROWAG has a 60 inch minimum requirement of with four pedestrian crosses every 200 feet or at the center island of the crosswalk. It allows for two wheelchairs to pass one another comfortably going in either direction.

PROWAG does not allow raised crosswalks at roundabouts -- excuse me it does allow the option for raise crosswalks at pedestrian crossings. Pedestrian crosses can be very confusing. Donna will cover more of that going forward.

PROWAG requires a curb ramp in either direction. Each end of the pedestrian crossing the intersection, not just one side of an intersection pedestrian crossing. PROWAG does require tactile warning at pedestrian crossings.

Lastly, PROWAG does define blended transitions at pedestrian crossings. Donna will share with us for the remainder of our time together other than questions more about these public right-of-way accessibility guidelines.

Again, these are finalized not yet enforceable until DOT and DOJ approved them . But they are best practices in what is likely to be head once both entities approve them. We will go deeper into these details on PROWAG. Donna?

DONNA: Thank you Steve very much. Now it is time to look at the final rules for the accessible guidelines. Better known as PROWAG. From this long list, it is obvious but time will not allow a thorough review of all chapters. We are going to concentrate on the summary of significant changes and comments and major issues raised by commenters.

It is in these areas we will find most of the differences from the other accessible guidelines. We have alterations, Manual on Uniform Traffic Control Devices, alterations versus maintenance. Alterations that trigger installation of accessible pedestrian signals. Crosswalk treatment at roundabouts.

Scope of the project. Existing physical constraints. Existing facilities. Accessible pedestrian signals. Leveling out of intersections extended through pedestrian crossings. Pedestrian access routes. Alteration I am sorry alternate pedestrian access routes. Detectable warning surfaces. Protruding objects in vertical clearance. Conventions.

We'll start with alterations. In the final rules, new construction on undeveloped land must fully comply with PROWAG. While existing development right-of-way is expected to comply to the extent feasible. Existing development include admissions.

Manual on Uniform Traffic Control Devices. In the final rule, Manual on Uniform Traffic Control Devices provisions are not incorporated by reference. All required technical provisions will be stated directly in PROWAG. That is very different from all the others.

Alterations versus maintenance. In the final guidelines, PROWAG refers to the Department of Justice and the Department of Transportation Joint Technical Assistance 1 of the Title II of the Americans with Disabilities Act. It clarifies when resurfacing is considered an alteration and what treatments are considered maintenance. If determined to be alteration, it will comply with PROWAG technical requirements.

Alterations that trigger installation of accessible pedestrian signals. PROWAG about the DOT and DOJ guidelines for all alteration requirements of other pedestrian facilities in determining whether installation of an accessible pedestrian signal is required. Crosswalk treatment at roundabouts.

PROWAG final rule includes three treatment options for crosswalks at roundabouts: Pedestrian Hybrid Beacon a higher-speed roadways in mid-block crossings and uncontrolled intersections and include standard accessible pedestrian signals.

Crosswalks raised to the same level as sidewalks with detectable warnings. These raised crosswalks act as traffic calming measures. Next is the Rectangular Rapid Flashing Beacons. These flash with an alternating high-frequency when activated to enhance notification of pedestrians at a crossing to drivers.

This is in addition to standard accessible pedestrian signals with an age of protection. There will be examples of vertical edge detection options in the technical assisted materials.

Scope of the project. PROWAG has removed the language scope of the project. What does this mean? It means portions of an altered district facility is expected to comply with all applicable local technical requirements. If technical and feasible complaints is required to the maximum extent feasible regardless of the scope.

Existing physical constraints. PROWAG eliminated right-of-way availability from examples of an existing physical constraint. They acknowledge in many cases regulatory entities have authority to require additional right-of-way.

Existing facilities. These guidelines of PROWAG only address new construction and alterations of existing facilities. But when DOJ and DoD rulemaking includes accessibility standards for pedestrian facilities in the public right-of-way, and regulation implementing Title II of the ADA and Section 504 of the Rehabilitation Act, they will address the application of their accessibility standards to existing facilities that are not altered.

Accessible pedestrian signals. We have three features. The first is a method of activation. Either a pushbutton or pedestrian detection that automatically activates accessible features. Than an audible indication of visual pedestrian signals. Next is a pushbutton with a tactile arrow that provides vibrotactile cues. Operable parts must comply with technical requirements and reached range.

I would like to bring your attention to this crosswalk accessible map produced by PROWAG. I am sorry, POLARA.com. It is a good reference for clearance requirement for accessible pedestrian signals. And not only does it give you the information on the Manual on Uniform Traffic Control Devices but also of the public right-of-way accessibility guidelines.

It mentioned some of the connections before 2010 ADA Standards. Laying out intersections extended through the pedestrian crossings. These are truly barriers. During alterations at crosswalks or programs, blended transitions are required to be provided on both ends of the crosswalk where pedestrian access routes go across the curve.

PROWAG proposes to require a grade of pedestrian access routes in crosswalks not to exceed 5%. Limits the cross sloped to 2%. The contain within crosswalks and approaches without yield or stop control will be at 5%.

As I said, these are very important as you saw in the films. Pedestrian access routes. There will be a continuous network of pedestrian access routes that connect all accessible elements, spaces and pedestrian facilities in new construction.

Altered piece by piece pedestrian access route will be established, every new construction altered pedestrian circulation routes like crosswalks etc. They will connect and greatly enhance the ability to connect facilities with pedestrian access routes and will comply with the accessible requirements of PROWAG.

It will just take time. Alternate pedestrian access routes. A proposed scoping of alternate pedestrian access routes states an alternate pedestrian access route is required when pedestrian circulation path is closed due to construction, maintenance operations or other similar conditions. It also requires any signs and signals both audible and visual be prepared at these alternate pedestrian routes.

Detectable warning surfaces. Detectable warning surfaces are standardized surfaces built in or applied to pedestrian walking surfaces as a tactile clue of transition to vertical routes of open drop-off at transit platforms.

As well as on pedestrian circulation path that driveways with stop or yield control to warn pedestrians of a hazard. Both the ADA and ADA state these requirements in section 705. You will find it in R205 and the guidelines.

Protruding objects in vertical clearance. The clear with a pedestrian access routes walking surfaces are required to be clear of street furniture, utility posts or other objects of any kind directly on the walking surface.

Protruding objects in three-dimensional area above the walking surface should not directly touch the walking surface and must conform to the technical requirements for protruding objects. That is an R402 of the guidelines and find both an ADA and ABA.

Conventions. There is only one word. Round up. When the required number of elements for facilities provided are based on a specified ratio or percentage that is not a whole number, the results are rounded up to the next whole number, never down. Linear measurements are stated in US and metric units and slopes are expressed in ratios and percentages.

That was a lot of information! Let us do a little review. This is not a poll but just answer to yourself and see how much you were able to pay attention. When routes are temporarily closed, there must be a temporary accessibility route provided. This is true. It also applies to passenger loading zones and transit stops. Temporary signal heads must also be provided.

Next question, PROWAG treatment options for sidewalks at roundabouts include standard traffic signals. That is false. PROWAG includes three treatment options: Pedestrian Hybrid Beacon, rates crosswalks and Rectangular Rapid Flashing Beacons.

Next question, PROWAG will not reference provisions from the Manual on Uniform Traffic Control Devices. This is true. All required technical provisions are stated directly in PROWAG. This is very different from all the other manuals that you might have on traffic control devices.

Next question, additions are included as new construction on undeveloped land in PROWAG. This is false. Existing developments include additions which is expected to comply to the maximum extent feasible. This is a little different in constructing building so pay attention. Next question, when tactile clues are used as detectable warning surfaces, they can be made from a variety of materials such as brick or scored concrete.

This is false. Detectable warning surfaces are distinctive surface patterns domes proposed right-of-way guidelines like the ADA and ADA Standards address the dome size and shape and spacing.

If we were to use concrete and if that is what the sidewalks are made of since many of the crosswalks are brick or even the edge of the sidewalks are brick, it would be very confusing to those with vision impairment to know when they are getting out of crosswalk and into traffic and into danger. So we try to avoid these materials because they do not contrast clearly.

Okay Steve if you are ready, I think we can open it to questions.

STEVE: I am ready and I think we have a few. Is that right Barbara?

BARBARA: That is correct thank you both for your excellent presentation. The first question is from Lorraine. Earlier there was a discussion of Chicago case referencing APS. I know the original proposed rule included PROWAG but beneficially adopted rule did not include APS. Wondering about the background on that and how it might implicate the Chicago case.

DONNA: I think I can answer that Steve. My understanding is the research that I did is the research or the reason it was dropped originally because they realized it would take a great deal more time and study to come up with guidelines. So they postponed that and unfortunately, there were other complications out of their control that delayed getting the guidelines released. Do you have to add to that Steve?

STEVE: A little bit. The details may not be very complete but APS or the signaling is required where pedestrian -- are provided for signals. Also, pedestrian activated warning devices are provided like at round about crosswalks.

At both of these locations basically where provided, there has to be audio and visual. There is not the technical details associated with that. The APS is required per section R206 and 206.1 until 6.2 the required APS when required.

BARBARA: Thank you both. Gregory asks how is your state approaching the application of PROWAG to paved part trails? I understand there is an exception for recreational trails but this has been nearly construed by Access Board.

DONNA: Please do that one Steve.

STEVE: Thank you. PROWAG does not cover the details of trails. But the guidelines for outdoor develop does cover trails, but trails are narrowly defined. That is what you may be alluding to when you asked the question nearly construed by the Access Board.

The definition of a trail is a pedestrian way with no real definition. So the one for recreation you alluded to as the exception for recreation is pretty specific and pretty rare actually. The trail is usually provided to get from one location to another. At which point it does need to meet the accessible pedestrian requirements.

I don't know if that is specifically the question but it is nothing our state is doing that I am aware of that specifically addresses that. I think it will be a challenge to make sure when you are providing the trail that you make it accessible.

There are exceptions for protrusions and other things. If it is a trail. But if it is not a trail and it's not used from local one location to the other it should meet the requirement of PROWAG. I hope that answers Gregory's question.

BARBARA: The next question is from Mark. When do you expect PROWAG will be enforceable?

STEVE: That is a good question. There is nothing that will give a clear direction there. Donna can you lead into that?

DONNA: Okay. As they say, it takes time and that is what is going to take. There is note that mine are dates at this time. So we really cannot predict that. We would like to see it sooner than later . Everybody is waiting on it. But as Steve has emphasized several times, we can be using these guidelines and be proactive because they will be coming as a requirement.

BARBARA: Thank you Donna. Our final question is from Linda. On the crosswalk signals, what is the standard time in seconds for safe crossing of three lanes of traffic? Where can I find this information?

DONNA: I would think the Department of Transportation. We would not have that information.

STEVE: I think it is going to go back to the manual of viewpoint traffic control which I think is called out relative to the actual dimensions. Then it would give you numbers per dimension to get the requirement in terms of timing. Those details are specific and I do not think they are covered in PROWAG but they are covered I think in the Manual on Uniform Traffic Control Devices which Donna alluded to.

DONNA: Yes that is correct and I will tell you having a company in a wheelchair many times across a crosswalk, I will say it is a very tight span of time no matter what. That should be addressed. Thank you.

BARBARA: Those are all of the questions for this afternoon. Donna and Steve, thank you so much for your session. The wealth of knowledge that you have brought to this afternoon's session will surely go far in the built environment.

We are closing out this afternoon. Thank you for attending this last session of the day. We will resume tomorrow at 10 AM. Thank you all and have a great afternoon.

Session ended.

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