

ADA Curb Ramp and Sidewalk Guidance

The installation of curb ramps and sidewalks is an important part of a total transportation infrastructure that can accommodate various modes of travel. As with all transportation needs, fiscal resources are limited. Project priorities shown in the Texas Department of Transportation (TxDOT) ADA transition plan, along with regulations and public right-of-way standards, play an important part in the design and installation of compliant curb ramps and sidewalks at locations where pedestrians are most affected.

I. Curb Ramp Construction

In general, curb ramps are needed wherever a sidewalk or any other pedestrian walkway crosses a curb. Where curb ramps are necessary, they must ensure accessibility for all pedestrians with and without disabilities, and be located to ensure a more accessible and safer access route so that a person with a mobility disability will be able to travel from a sidewalk on one side of the street to a sidewalk on the other side of the street. Based on recent TxDOT statewide group discussion and inventory, it was revealed that there are now numerous possible considerations for determining where and when to construct a curb ramp since the inception of the Statewide Americans with Disabilities Act (ADA) Curb Ramp Program.

Therefore, in order to provide a more consistent statewide approach to installing curb ramps in locations where they are necessary, the criteria listed below will be considered in determining where and when curb ramp installation is required. Due to the nature of the public rights-of-way, each situation must be independently assessed to determine what needs to be done to bring each curb ramp and sidewalk into compliance.

Where to install

- Curb ramps must be installed to connect the pedestrian access routes at each pedestrian street crossing. A pedestrian street crossing is considered to be present if:
 - There is a sidewalk or other pedestrian walkway with a prepared surface for pedestrian use crossing a curb,
 - There are pedestrian signal heads or detection buttons indicating pedestrian presence, *
 - There is a marked crosswalk, or *
 - There is a school crossing. *

However, please note the ADA does not require installation of ramps or curb ramps in the absence of a pedestrian walkway with a prepared surface (even when the elements denoted with an * exist). A surface is a “prepared surface for pedestrian use” if,

regardless of material used, the intent of the design was to provide access to pedestrians.

Also, curb ramps are not required in the absence of a curb, elevation differential, or other barrier between the street and the walkway.

When curb ramp construction is required

- The U.S. Department of Justice and U.S. Department of Transportation have released a Joint Technical Assistance document outlining the following type of road work treatments that are considered alterations:
 - New construction
 - Reconstruction,
 - Rehabilitation,
 - Microsurfacing or the addition of any new layer of asphalt,
 - In-place asphalt recycling,
 - Open graded surface course, and
 - Mill & fill / mill & overlay

These treatments are not based on funding sources (PM, 2R, 3R, 4R, etc.) nor are they based on who performs the work (TxDOT maintenance forces vs. contractor forces). However, when the above listed operations are performed any required curb ramp construction is required to be done at the same time as the alteration.

Therefore, TxDOT is required to install or upgrade curb ramps pursuant to *Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing*. Below please find links to:

- 1) The Joint Technical Assistance (JTA) Document -
https://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta.cfm
- 2) The Glossary of Terms for the JTA Document -
https://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta_glossary.cfm
- 3) The JTA Q&A Document -
https://www.fhwa.dot.gov/civilrights/programs/ada_resurfacing_qa.cfm

- If the conditions described above in the “Where to install” section indicate a need for the construction of curb ramps, they must be installed when a project meets the definition of an alteration under 28 C.F.R. § 35.151. Generally, resurfacing is

an alteration if it involves work on a roadway that spans from one intersection to another. If the resurfacing affects the crosswalk, even if it is not the full roadway width, then curb ramps must be provided at both ends of the crosswalk as per 28 C.F.R. § 35.151(i).

- Existing ramps must be compliant with the ADA standards applicable for the year in which the ramp was built. If the ramp is not compliant with those standards, then it must be updated and should be included in the ADA transition plan. In addition to curb ramps required above, it is recommended to include any additional curb ramp improvements in the vicinity of the alteration project as project scope and budget allow.

When curb ramp construction is not required

- Curb ramps are not required to be included in projects that constitute the following listed maintenance work:
 - Seal coats,
 - Crack filling and sealing,
 - Joint Crack or Surface Seals,
 - Joint repairs,
 - Full-depth pavement spot repair,
 - Diamond grinding,
 - Spot high friction treatment to improve skid resistance, and
 - Slurry seals

In some cases, the combination of several maintenance treatments occurring at or near the same time may qualify as an alteration and would trigger the obligation to provide curb ramps.

Note that a deficient or missing curb ramp, even if not included in a specific maintenance project, will need to be included in the TxDOT ADA Transition Plan for construction or reconstruction.

II. Sidewalk Construction

Planning projects for the long term must anticipate likely future demand for both bicycling and walking facilities and not omit this provision from future improvements without adequate documentation. Based on TxDOT Administration guidance given for emphasizing bicycle and pedestrian accommodations, these items must be considered for certain types of transportation projects within urbanized settings. Therefore, the inclusion of these facilities must be considered when a project is scoped, with input from

the local cities, metropolitan planning organizations, locally adopted bicycle and pedestrian plans, and the public, when applicable.

When to consider installation

Sidewalks must be considered for inclusion in urbanized settings on:

- Full reconstruction projects;
- New construction projects;
- Projects within existing right of way that include pavement widening;
- Facilities that are part of a locally adopted sidewalk planning document;
- Facilities where there is evidence of pedestrian traffic:
 - Pedestrians are observed, or
 - There is evidence of a beaten path, or
 - There is significant potential for pedestrians to walk in the roadway;
- Facilities having existing pedestrian features;
- Facilities located on a route to school(s); or
- Facilities located on a transit route. All transit stops must be made accessible.

If it is determined that sidewalks will not be included in the project, then the managing office shall provide justification in the environmental document for not installing sidewalks.

When to install

It is recommended that the sidewalk installation occur concurrently with the curb ramp installation in order to provide a more accessible and safer pedestrian access route.

Maintenance

Maintenance of pedestrian facilities is critical to their continued functionality. Maintenance operations should monitor pedestrian facilities on a regular basis and any discrepancies should be noted for inclusion in the routine maintenance schedule or in the ADA Transition Plan. Where maintenance is the local government's responsibility under a municipal maintenance agreement, TxDOT monitoring is necessary to ensure that maintenance is performed by the local entity on a regular schedule.

Vegetation must be monitored and managed to ensure that vegetation growth does not constrict the pedestrian access route.

In addition, any features permitted in TxDOT right of way will be compliant with the ADA, and items in the right of way (e.g. driveways, utilities, mailboxes, signal equipment) must not create a compliance issue for TxDOT.

III. Traffic/Pedestrian Signal Installation

Installation of pedestrian signal heads and pedestrian detection equipment is strictly a traffic engineering decision. There are instances where they are definitely beneficial, but not necessarily required except on certain signal warrants and at intersections with complex multi-phase signal timing. Refer to TxDOT's Accessible Pedestrian Signals (APS) Guidelines document for outlined instances where APS may be needed.

When APS equipment is installed curb ramps or blended transition installation may be necessary to make the signal equipment and the intersection accessible.