

# CHAPTER 10

## ADA / Public Right of Way

### Overview

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This chapter provides guidelines to the Engineering Services Division staff regarding processes and procedures to be followed related to public right of way accessibility and for the development and delivery of the pedestrian facilities portion of the Capital Improvement Program. The guidelines outlined also define the roles and responsibilities of various staff involved and the public outreach process for ADA issues.

The following topics are covered within this chapter:

- Accessibility Related Citizen Requests
- Curb Ramps
- Pedestrian and ADA Construction Zone Plans



## SECTION 10-1

### Accessibility Related Citizen Requests

#### **PURPOSE**

This section establishes DOT's process in receiving, documenting, and facilitating the completion of accessibility related citizen requests from members of the disabled community.

#### **DEFINITIONS / ABBREVIATIONS**

ADA .....Americans with Disabilities Act

ADAAG .....ADA Accessibility Guidelines; a set of federally enforceable accessibility standards

Annual Obligation.....Pursuant to the Barden Settlement Agreement, DOT is to annually spend an equivalent of 20% of the total Transportation Fund, which is comprised of eligible Measure A and Gas Tax funds, on accessibility improvements in the public right-of-way.

APS.....Accessible Pedestrian Signals

Barden .....Barden et. al. v. City of Sacramento class action lawsuit

Barrier .....An obstruction which does provide horizontal and vertical clearance standards for pedestrians or the visually impaired.

DAC ..... Disability Advisory Commission made up of members of City staff and disabled community.

F&PD .....Funding and Project Development Section

Prospective Plan .....A City Council approved plan of proposed ROW accessibility improvements for a specific year.

Settlement .....Refers to the Consent Decree between the plaintiffs and the City of Sacramento

Third Party MOU .....Memorandum of Understanding between the City of Sacramento and other utility/transit providers to work collaboratively in removing access barriers in the public right-of-way.

ADA Access Manager .....DOT representative that is knowledgeable of ADA standards and is the single point of contact with citizens.

*For additional abbreviations, please see the Abbreviations section at the end of this Manual.*

## **POLICY**

The DOT has established practices and procedures for its project delivery activities to ensure compliance with the terms of the Barden Settlement Agreement. It is DOT's policy that citizen requests are of the highest priority in terms of planning future accessibility improvements.

## **AUTHORITY**

The ADA Access Manager has the authority to initiate requests for field investigations and authorize needed small-scale improvements within the budgetary constraints of the approved Prospective Plan and annual accessibility CIPs. Citizen requests requiring accessibility improvements beyond the scope of the current Prospective Plan should be considered for inclusion into the upcoming Prospective Plan, as appropriate. Citizen barrier removal requests that involve traffic control and safety considerations, such as crosswalk alignment or APS installation, require approval of the City Traffic Engineer, in consultation with the ADA Access Manager.

## **RESPONSIBILITIES**

### **Special Projects Engineer**

The Special Projects Engineer provides oversight of required citizen requests, implementation of improvements, and maintains the fiscal responsibility of the various accessibility CIPs within DOT.

### **ADA Access Manager**

The ADA Access Manager is responsible for receiving citizen requests, logging requests, initiating field investigations and required improvements, communicating with citizens, and implementing the citizen request process. The ADA Access Manager is responsible for complying with ADA related policies and ensuring compliance with Federal and State accessibility regulations.

### **City Traffic Engineer**

The City Traffic Engineer receives citizen request referrals from the ADA Access Manager as it relates to APS installation or striping modifications and evaluates each request/referral based on pedestrian/traffic safety and signal-timing considerations.

### **Street Services/ Engineering Supervising Inspector**

Upon direction of the ADA Access Manager, the Supervising Inspector is responsible for performing and documenting investigations and overseeing construction activities for access barrier removal.

### **Signal and Lighting Supervisor**

Upon direction from the City Traffic Engineer and the ADA Access Manager, the Signal and Lighting Supervisor oversees the installation and proper field adjustments of citizen requested APS products.

## **CITIZEN REQUEST PROGRAM OVERVIEW**

The citizen request program was developed in order to fill in accessibility gaps that require a timely response while the City is undergoing its long-term access compliance efforts. It is meant to provide small scale and necessary accessibility improvements that present an imminent safety hazard or significantly impede the daily travel activities of pedestrians with disabilities.

Due to the nature of the program, there is a finite annual budget that is used to fulfill these citizen requests. Examples of elements/improvements (see Attachment 1) that may be constructed as a result of a citizen request include the following: curb ramps, APS, detectable warnings, sidewalk, crosswalks, striping, and other types of barrier removal.

## CITIZEN REQUEST REFERRALS

Citizen requests must be received by or referred to DOT's ADA Access Manager along with the citizen's name and contact information in order to initiate the barrier removal process. Citizens can address their concerns directly by telephone or electronic mail and identify the accessibility concern and its location. Request referrals by other staff cannot always be addressed effectively unless a valid method of direct communication with the citizen can be provided to the ADA Access Manager.

## RECEIVING A CITIZEN REQUEST

The citizen request program operates under the following guidelines:

- The individual must be a person with a disability, as defined under the ADA, or contacting DOT on behalf of a family member or group of individuals with disabilities, such as a disability service provider. When receiving a request, the ADA Access Manager may ask indirect questions such as "how does this problem personally limit your ability to travel in your area?", yet should refrain from direct inquiries into a citizen's disability status.
- The request for barrier removal must be location specific and current. The citizen with a disability or his/her representative must be able to provide as much of a precise location as possible along with a description of the accessibility concern. For example: "The sidewalk between 14<sup>th</sup> and 15<sup>th</sup> Streets along J Street is broken and uneven and my wheelchair tips to the side traveling along that path. The last time I encountered this problem was two days ago".
- The accessibility concern must be along the individual's routine path of travel. Although the Department is pursuing the access barrier removal process aggressively, requests must be prioritized based on how immediate the

citizen's need and whether other safe and accessible alternatives exist. The ADA Specialist can usually determine those issues by asking related, open-ended questions such as: "How often do you use this area?" "How do you get around this obstacle now?"

- It is often the case that citizens will report a series of barriers. Although this is understandable, the ADA Access Specialist is to request that the citizen prioritize the top one or two issues that would make the most difference in his/her daily travel.

## DOCUMENTATION AND FURTHER ACTION

Once the initial contact has been made with the citizen and the eligibility of the request has been established, the date of initial contact, the citizen's name, contact information and a brief description of the issue are reported in the Barrier Removal Request Log. (See Attachment 2). Depending on the type of barrier removal request, contact with various departments and entities is made for resolution.

When a citizen encounters barriers that relate to curb ramps, broken sidewalk sections or obstacles protruding in the sidewalk and narrowing the path of travel to less than 36 inches, the Street Services Supervising Inspector is contacted by the ADA Access Manager. The ADA Access Manager will request that an investigation be made. The appropriate Street Services staff will take measurements, photographs and respond to the ADA Specialist with a report of the barrier and proposed solution. If it is a simple curb ramp modification or construction, the location is entered into the Street Services construction database for completion. If the problem results from sidewalk displacements or overgrown vegetation, notification for repair is sent to the property owner. Where access barriers involve a utility pole, bus shelter, etc., the ADA Access Manager contacts other public entities' accessibility representatives in attempting to resolve the issue as mandated under the Third Party MOU.

When the citizen request is related to APS installation, pedestrian push-button or crosswalk striping modifications or DOT-owned existing electrical cabinets that narrow the path of travel to less than 36 inches, the ADA Access Manager collaborates with Traffic Engineering staff to consider possible solutions. Traffic Engineering staff initiates work orders to complete the work and provides a timeline to the ADA Access Manager for completion of the work.

Using the access barrier removal criteria listed in Attachment 1, field investigation staff in consultation with the ADA Access Manager, determine whether the ROW elements in question are indeed ADA/Title 24 compliant. If so, no further action is taken and the citizen is informed of the decision and given information about the Federal and state accessibility standards the City must follow.

In some cases, an investigation reveals that the barrier removal process will require additional engineering design or it will be cost prohibitive to complete immediately. When additional engineering design is needed, the ADA Access Manager, in consultation with the Special Projects Engineer, refers this request to the F&PD engineering staff for scoping and estimation. If the completion of a single request requires a significant portion (equal to or more than 20%) of the citizen request funds allocated for the year, that project will be included for consideration in the upcoming fiscal year's Prospective Plan for accessibility improvements which will be reviewed by the DAC and approved by the City Council. If a citizen request presents an immediate safety hazard that cannot be mitigated or avoided by the provision of an alternate path of travel, the ADA Access Manager may refer the issue to the Section or Division leadership for recommendations and action.

## **CITIZEN FOLLOW-UP**

In all of the above cases, once a timeline for completion is obtained, the ADA Access Manager contacts the citizen within two weeks in order to provide an updated status of the request along with the estimated time of completion. The citizen is also informed that the ADA Access Manager will be the future point of contact until the request is completed.

On a bi-weekly basis, the ADA Access Manager will review the Barrier Removal Request Log and update it as needed by contacting directly the individuals assigned to complete the barrier removal work and inquiring about the request status. Once a request is completed along the timeline discussed with the citizen, its status is updated and no further action is needed. If the timeline is extended for any reason, the citizen is informed about the new date of completion.

## **ATTACHMENTS**

- Attachment 1: Access Barrier Removal Elements/Improvements
- Attachment 2: Sample Barrier Removal Request Log

## Access Barrier Removal Elements/Improvements

The following elements within the public ROW are to be altered, constructed, or reconstructed according to the following State and Federal standards to eliminate barriers for pedestrians with mobility and visual disabilities:

### Curb Ramps

- Compliant Curb Ramps shall be provided at intersections equipped with Detectable Warnings (see standard specifications for curb ramp construction).
- No single curb ramp will be installed without providing a nexus to the opposite side of the street via a safe and usable ramp.
- Slopes measured from the ramp flow line and extending 48" into the ROW shall be measuring 5% or less where feasible.
- No abrupt changes in level of more than a ¼ inch are allowed at the transition between the gutter pan and the roadway. Cape and slurry seal procedures must be modified so that a vertical displacement is eliminated.
- The curb ramp pan shall be centered within the crosswalk limits or at the very minimum, there shall be a 48"X48" pan area within the crosswalk markings.

### Crosswalks

- Crosswalks shall be made accessible through removal of abrupt changes in level (more than a ¼ inch) and the provision of curb ramps at both ends of the crosswalk. Public entities are not required to remove slopes or cross slopes consistent with the slope of the street for vehicle traffic and/or drainage.

### Pedestrian Access Route Surfaces and Dimensions

- On newly constructed sidewalks, the unobstructed pedestrian access route shall be 4 ft. **minimum** at the back of curb. Passing spaces measuring 60"X60" shall be provided every 200 ft.
- Obstructions such as utility poles, street lights, poles, etc. shall **not** narrow the pedestrian access route less than 36" at a single point. If that is the case, they shall be removed or relocated.
- The surface of the pedestrian access route shall be stable, firm and slip resistant. Decomposed granite, brick pavers and grass are not ADAAG / Title 24 compliant surfaces.
- Vertical displacements in the pedestrian access route up to a ¼" can be left untreated. Anything exceeding ¼" and up to ½" must be remedied by providing a beveled ramp with a 1:2 slope. Any displacement that exceeds ½" must be mitigated by removing the sidewalk section or providing a 1:12 ramp.
- Protruding objects are not allowed in the pedestrian access route. They are defined by ADAAG and Title 24 as elements protruding into the access route with their leading edge higher than 27" and below 80". Down guys, overgrown tree branches, low awnings or business signs can be protruding objects and a safety hazard for blind/low vision pedestrians.

### Sidewalk Cross Slopes

- The pedestrian access route shall maintain a 2% cross slope for alterations and new construction.
- In existing sidewalks, according to the Settlement Agreement, the following conditions are considered "severe barriers" and must be prioritized for removal in the following order:
  - cross slopes greater than 3.3% that extend longer than 15'
  - cross slopes greater than 3.3% where the running slope exceeds 5%
  - cross slopes of greater than 4%





**Sample Barrier Removal Request Log**

<b>Date</b>	<b>Citizen</b>	<b>Phone</b>	<b>Location</b>	<b>Issue</b>	<b>Actions Taken</b>	<b>Status</b>
7/9/2004	---	---	Natomas & Bridge Cross	Fire hydrant located on sidewalk. Not enough space for wheelchair.	Fire hydrant has been moved.	Completed
7/28/2004	Disability Rights Advocates	Letter	50th from D to F St where 50th turns into Coloma	Curb ramps inaccessible	C/Ramps were inspected and found accessible by Street Services inspectors.	Completed
7/28/2004	Disability Rights Advocates	Letter	Alhambra and Folsom (east side)	No Curb Cuts	Alhambra and Folsom is completed. The NW and SE corner at N are completed.	Completed
7/28/2004	Disability Rights Advocates	Letter	Alhambra and O (west side)	Curb ramps inaccessible	Referred to Street Services for investigation	Completed
7/28/2004	Disability Rights Advocates	Letter	J St and 47, NE and SE corners	No Curb Cuts	NEC completed. Street Services will install SEC	Completed
7/28/2004	Disability Rights Advocates	Letter	18th and N, NE corner	Blended curb	New planter strip curb ramp has been installed	Completed
8/17/2004	---	---	Natomas Park Elementary School-Crest Drive	Need curb ramps at two crosswalks across from school	Two curb ramps were constructed back in 2000 at the crosswalks of North Bend and Crest Drive. They are older but usable. Detectable warnings were not installed since it was during the time of suspension.	Completed
8/26/2004	---	---	No sidewalk and no crosswalk at the 16th Street Light Rail Station		This is not an ADA violation or barrier. These will be constructed as part of the 16th Street Station Improvements.	Completed



## SECTION 10-2

### Curb Ramps

#### PURPOSE

This section establishes a policy on the reconstruction of existing curb ramps and curb ramp construction standards.

#### DEFINITIONS / ABBREVIATIONS

ADA .....Americans with Disabilities Act  
DOT .....Department of Transportation –  
City of Sacramento  
PM .....Project Manager  
RCI.....Resident Construction Inspector

*For additional abbreviations, please see the Abbreviations section at the end of this Manual.*

#### POLICY

Curb ramps are to be constructed at all intersections within roadway improvements projects. Curb ramps which do not meet the City's current standards are to be reconstructed with all overlay projects and all projects defined to be a street alteration under ADA.

Curb ramps are also to be constructed when requested by a disabled citizen for the purpose of providing an accessible path of travel for the every day activities of that citizen. The approval and prioritization of citizen requests is to be established by the ADA Access Manager in the Funding and Project Development Section.

All curb ramps are to be certified as meeting the City's current standards by a Construction Inspector approved to certify curb ramps. All exceptions to the City's standards are to be

coordinated with and approved in advance by the ADA Access Manager. The certification is to be completed within 5 working days of curb ramp completion and filed with the ADA Access Manager.

#### AUTHORITY

The Engineering Services Manager has delegated authority to the ADA Access Manager in the Funding and Project Development Section to approve the prioritization and installation of curb ramps, and to approve exceptions from the City's curb ramp standards in cases where it is infeasible to meet the standards.

#### RESPONSIBILITIES

##### ADA Access Manager

- Logs and investigates all disabled citizen requests for curb ramp construction or reconstruction.
- Requests the RCI to perform a site visit to determine if existing curb ramps meet current City standards.
- Contacts the disabled citizen on the disposition of his/her curb ramp request.
- Requests that a curb ramp(s) be constructed by a CIP project or DOT's in-house concrete crews.
- Resolves all standards compliance issues on behalf of the Department and coordinates with other departments as necessary.

### Project Manager

- Requests that the RCI inspect existing curb ramps to determine whether they meet standards or need reconstruction.
- Consults with Traffic Engineer to determine if crosswalk changes are required prior to designing new curb ramps.
- Determines if a standard design template curb ramp can be constructed at a particular location. If not, provides custom design for each curb ramp.
- Prepares quantity takeoffs and costs for curb ramp construction and other pedestrian improvements and reports costs to ADA Access Manager as part of the Notice of Completion.

### Resident Construction Inspector

- At the request of the ADA Access Manager or PM, performs investigation and field measurements to determine if a curb ramp meets current standards.
- Certifies all curb ramps within the limits of the assigned project.
- Coordinates issue resolution with the ADA Access Manager.

### CURB RAMP DESIGN

Curb ramps are to be designed and constructed to meet the City's current design standards.

Blended curb ramps may be constructed only in the Downtown area and with the approval of the ADA Access Manager.

Dual curb ramps are to be constructed at all intersections except for residential streets, and are to be centered in the crosswalk.

All traffic signal poles, power poles, pull boxes and utility boxes are to be placed outside the curb ramp, sidewalk transition area and curb ramp landing area.

To limit debris from collecting in the gutter pan in front of curb ramps, the design is to strive to provide a minimum 0.50% gutter grade within the length of the curb return.

All new curb ramps are to have truncated domes.

## SECTION 10-3

### Pedestrian and ADA Construction Zone Plans

#### PURPOSE

This section defines the requirements for providing an accessible path of travel through and around construction sites when existing accessible routes within the right of way are impacted by construction activities.

#### DEFINITIONS / ABBREVIATIONS

ADA .....Americans with Disabilities Act

DOT .....Department of Transportation

PM .....Project Manager

RCI.....Resident Construction Inspector

*For additional abbreviations, please see the Abbreviations section at the end of this Manual.*

#### POLICY

Section R302 of the Revised Draft Guidelines for the Public Rights-of-Way published in November of 2005 by the Access Board requires an alternative access route when the existing pedestrian or accessible path of travel is temporarily closed or impacted by construction activities.

All construction and maintenance activities within the City ROW which impact pedestrian or accessible paths of travel are to have an approved Pedestrian and ADA Construction Zone Plan prior to starting construction.

#### AUTHORITY

**ADA Access Manager** – The Engineering Services Manager has delegated authority to the ADA Access Manager in the Funding and Project Development Section to establish and implement pedestrian and ADA access route standards and requirements for all construction activities. The ADA Access Manager has the authority to approve any deviations in the Pedestrian and ADA Construction Zone Plan from the requirements of this section as appropriate and necessary.

**Resident Construction Inspector** – Has the authority to review and accept Pedestrian and ADA Construction Zone Plans consistent with the requirements of this section. Deviations from the requirements of this section are to be approved by the ADA Access Manager.

**Traffic Engineer** – Has the authority to review and approve any temporary marked crosswalks and curb ramp location required for the Pedestrian and ADA Construction Zone Plan.

#### RESPONSIBILITIES

##### Project Manager

The PM is to include special provisions to address pedestrian and ADA accessibility during construction in the project contract documents and improvement plans.

##### Resident Construction Inspector

The RCI is responsible for ensuring that the Pedestrian and ADA Construction Zone Plan is reviewed and approved prior to starting any construction activities. During construction, the

RCI is responsible for ensuring the Pedestrian and ADA Construction Zone Plan is being maintained by the Contractor.

### PEDESTRIAN AND ADA ROUTE REQUIREMENTS DURING CONSTRUCTION

The following requirements are to be met in developing the Pedestrian and ADA Construction Zone Plan:

- The alternate route is to be adjacent to the initial path of travel when it is safe and feasible to do so.
- The sidewalk's running slope must be equal to or less than that of the vehicular travel way.
- No vertical displacements greater than ¼" are allowed along the path of travel. If a displacement of ½" exists, it is to be eliminated by a temporary asphalt patch or other approved method.
- The clear width of the alternate access route must be a minimum of 48" in all cases.
- At single points, the access route can be reduced to a width of 36" for a distance of up to 2 ft.
- No objects are to protrude beyond 4" into a vertical clear zone of between 27" and 80" in height along the 48" wide path of travel.
- Where a sidewalk closure is to be in effect, it is to conform to one of the applicable sidewalk barricade details. Barricades are to be Type II, Navigator Barricade by Plastic Safety Systems, Inc. (Phone: 800-662-6338), or approved equal.
- Barricades are to be continuous where a construction area or pedestrian and ADA path of travel are to be blocked off. Use of yellow tape between barricades and traffic cones is not permitted.
- The bottom rail of barricades is to be no higher than 6" above ground for cane detection. The top of the barricade is to be between 36" to 42" above ground. When connecting barricades end to end, a bottom rail which extends across the barricades for the full width of the closed sidewalk or curb ramp is to be provided.
- Where temporary fencing delineates and parallels the edge of an alternative route, the footings of the fence are to be kept outside the 48" walkway to eliminate tripping hazards.
- Where curb, gutter or sidewalk is removed, barricades are to be installed by the contractor. Barricades are to remain in place a minimum of 72 hours after concrete has been poured on new curb and gutter. Contractors are to be responsible for monitoring and maintaining barricades for 72 hours or until the area is paved back by City crews.
- Where detours are provided, sidewalk signs are to indicate that the sidewalk, curb ramp, or both, are closed. The signs are to be placed so as to provide ample warning of the detour to people with mobility impairments and in a way that will minimize backtracking. Signs are to be placed so that they are visible from the sidewalk before the detour begins.
- When detours are used, access is to be provided by directing all pedestrian traffic to the unaltered side of the street with marked crossings and usable curb ramps. If such elements do not exist, temporary marked crosswalks and temporary curb ramps are to be provided. Any plan proposing temporary marked crosswalks and ramps must be approved by the Traffic Engineer.
- In the Downtown area, which is bounded by Highway 50, Sacramento River, American River and Capital City Freeway (Business 80), the Contractor is only allowed to work at one (1) corner of an intersection at a time, and only up to two (2) corners at two adjacent

intersections as long as they are on the same side of the street.

- In areas outside of the Downtown, the Contractor may work at two (2) corners of an intersection at one time as long as they are on the same side of the street, and up to four (4) corners of two adjacent intersections as long as they are on the same side of the street.