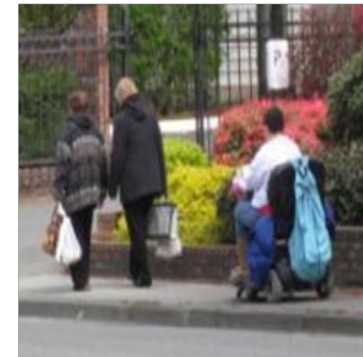




ADA Transition Plans and Liability

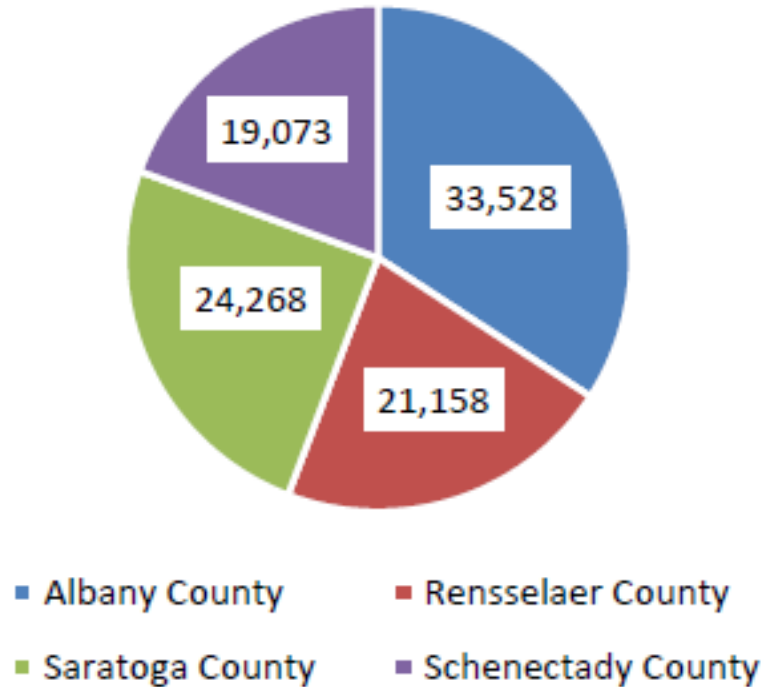
Americans with Disabilities Act of 1990, Title II

- Government Services
- Must ensure that individuals with disabilities are not excluded from programs, services, and activities
- Pedestrian facilities are an example of a program

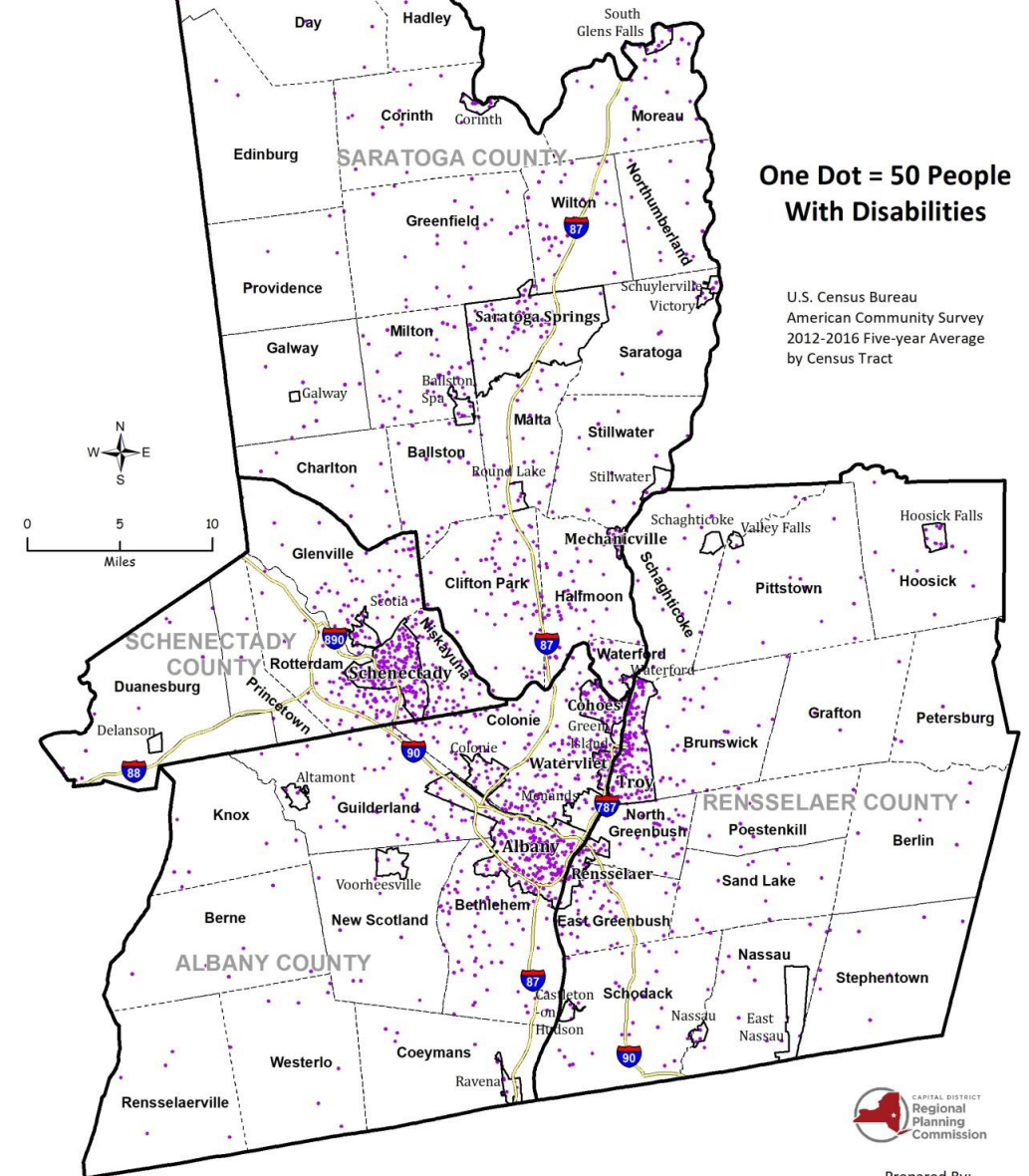


Capital Region Residents

Number of Residents Reporting a Disability



Capital District Disability Population



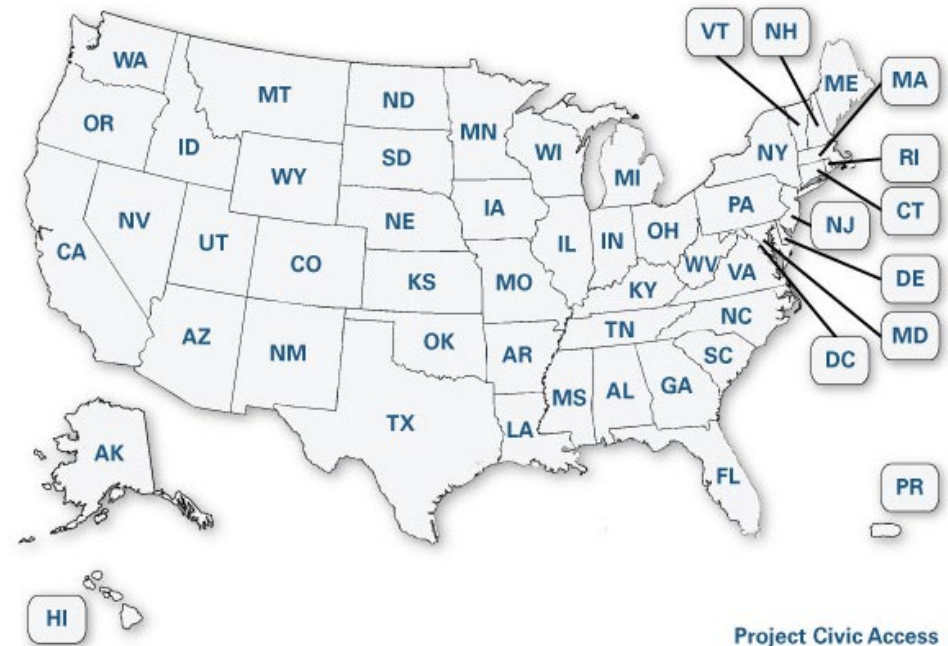
MPO Assistance

- 2016 NYSDOT/FHWA Training on Transition Plans for Pedestrian Infrastructure
- Post – PROWAG release
- Unsure how to do technical analysis
- Compliance as political liability – Repair ≠ Ribbon-cutting



ADA Settlement Agreements

- US Department of Justice
- Sidewalks and Curb Ramps
- Referencing 2010 Standards
- Generally require barrier removal within 3 years
- City of Hudson 2019



Liability from legal claims and lawsuits

- Legal Research Digest 65 - liability aspects of pedestrian facilities
 - Includes discussion on Transition Plans
 - Cites court cases, concludes “Compliance with a good transition plan is a solid defense to an ADA complaint or lawsuit.”
 - Discusses potential defenses to ADA complaints
 - Has resolved concerns about Transition Plans increasing liability
- Accessible Pedestrian Signals
 - 12-27-2021 (American Council of the Blind of NY v. City of New York)
 - 3-31-2023 (American Council of the Blind of Metro Chicago v City of Chicago)

Title II – Basic Requirements

- Develop & post ADA Policy Statement
- Develop & post Grievance/Complaint Procedures
- Complete a self-evaluation of current services, policies, and practices
- Develop a Transition Plan*
- Name/position of official responsible for implementing the Transition Plan

Transition Plans

- Required of government entities with 50 or more employees (combined full and part-time, includes police)
- Under 50 employees, public entities still need to evaluate programs for discrimination...but no Transition Plan
- Title II requirement that provides a tool to address discrimination in access to **ALL** programs

Transition Plan Elements

- Identify Public Involvement Opportunities
- Develop/Adopt Design Standards
- Identify/list physical obstacles and their location
- Describe in detail the methods the entity will use to make the facilities accessible
- Provide schedule for making the access modifications, and a re-evaluation schedule
- Provide annual schedule if transition plan is over one year long

Public Right-of-Way Accessibility Guidelines (PROWAG)

- Applicable to construction, and alteration of existing pedestrian facilities
- 2011 Notice of Proposed Rule Making published
- NYSDOT incorporated into Highway Design Manual
- U.S. Access Board approved March 2023
- Currently in Final Rule Stage



Prioritization

- Walkways serving entities covered by the ADA
- Government Centers/Transit/Public Services...
- Pedestrian Level of Service
- Citizen requests/complaints regarding inaccessible locations
- Population Density
- Presence of Disability Community

Schedule for Access Modifications

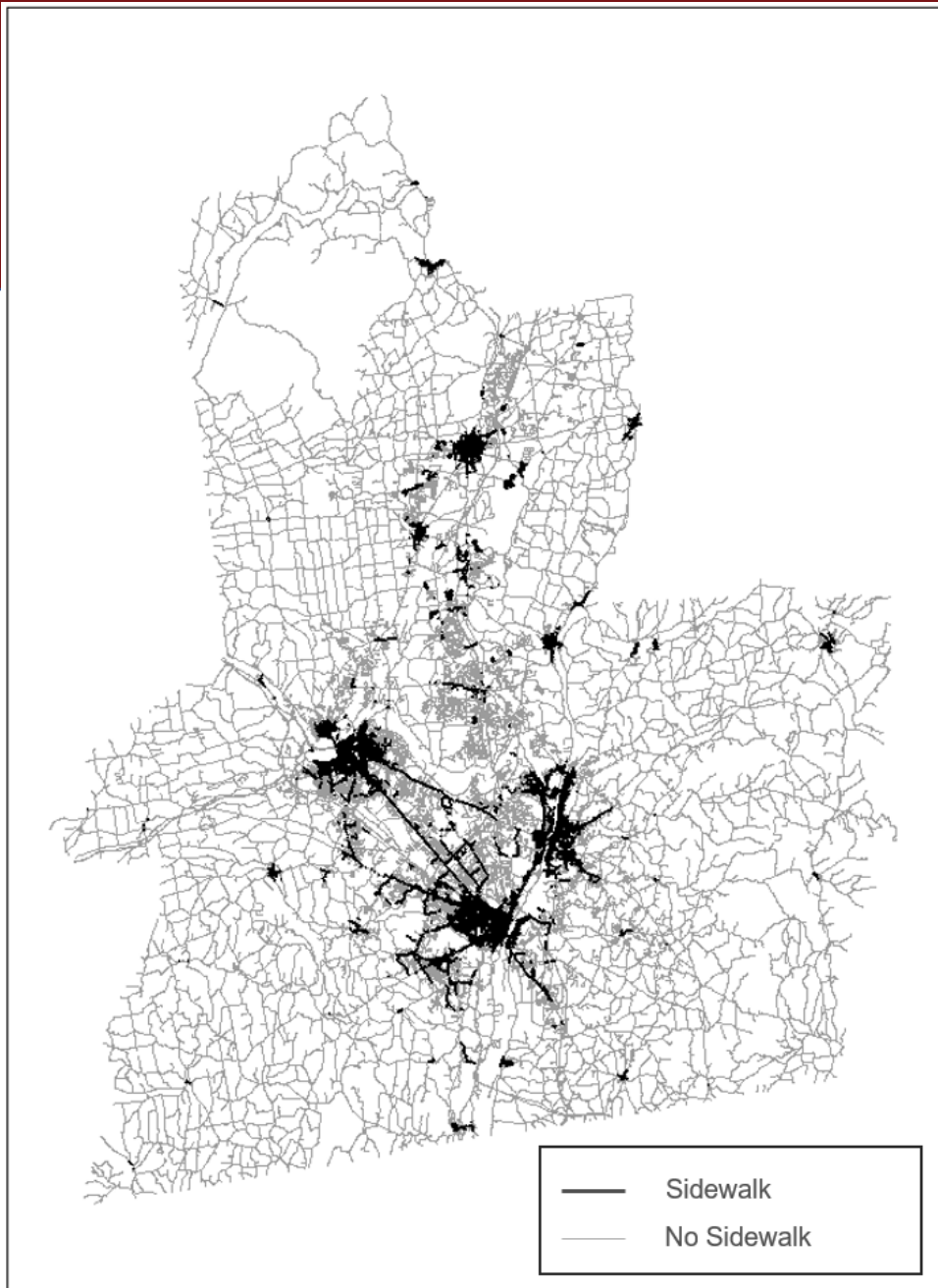
- Okay to use a metric
 - XX miles of segments to compliance/year
- As identified in prioritization
- Also Consider:
 - Capital improvement projects/private development
 - Areas that receive complaints



Presence/Absence of Sidewalks

- Existing data was sparse
- MPO staff/intern effort
- About 3.5 years, 77 municipalities, 1,225 miles
- Mostly online/ortho images, in person in few small villages
- Route number, road name, side of road, start & end points, surface type, length (mi.; ft)
- Transmitted data with letter explaining Transition Plan req'ts
- Contextualizes financial impacts by muni – decades vs 3 years

Sidewalk Locations



Transition Plans Contracts

- Hired Consulting firm early 2020, 2022
- Municipal solicitation 2020, 2021, 2022
- Requires:
 - In-kind match, cash match optional
 - Muni arrange public input, provide list of stakeholders
 - Letter of support from chief elected official
- Create document suitable for municipal adoption – encourage but don't require adoption

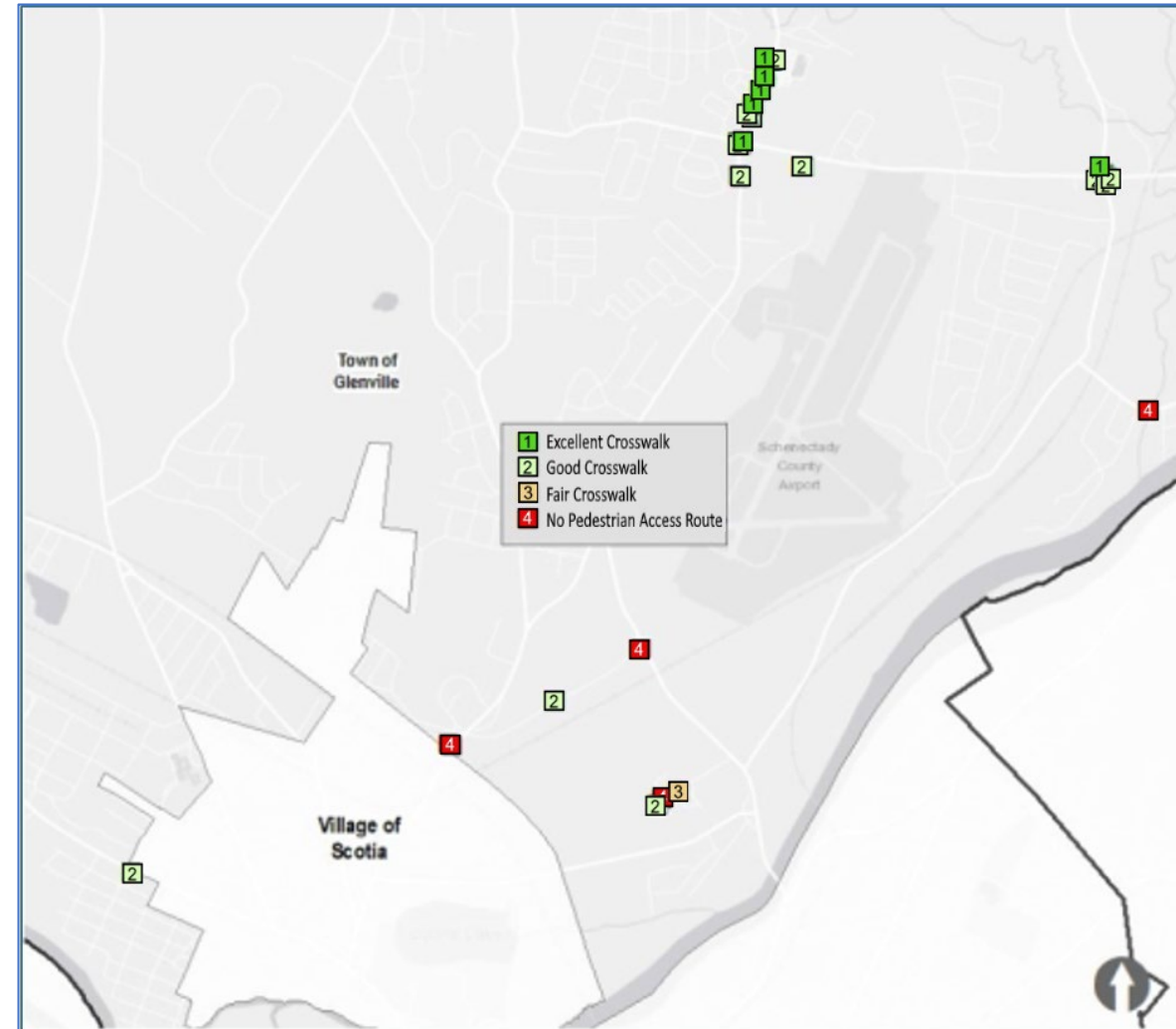
Municipal Process

- Confirm non data collection components
- “Stakeholder” Meetings
 - Invite groups focusing on seniors, people who have disabilities
- Technical Training
 - Whoever collecting data
- Public Meetings
 - Agenda item



Data Collection Points – Simple!

- Assumes no settlement agreement or short implementation timeframe
- Sidewalks – simple 1 to 4
- Curb Ramps – detectable warning dimensions/contrast
- Pedestrian signals – type, visual/audible/both, access
- Transit stops – access dimensions, obstructions
- Crosswalks - surface



Data Collection Format

- Multiple questions responsive to previous answers
- Include pictures for inaccessible elements
- Results are mappable, attributes tabular
- Especially useful with more detailed data

ArcGIS Survey123

Part A.) Intersections (Saratoga)

2.5) DWS color *

Does the DWS color contrast so that a visually impaired pedestrian could identify the presence of the DWS without feeling it?

Yes No

2.6) DWS deterioration *

Is the DWS significantly deteriorated?

Yes No

3) Curb ramp comment

Did you observe something that makes this curb ramp otherwise inaccessible?

Pedestrian Signal Features

4) Is there a pedestrian signal? *

This includes signs and buttons

Yes No

4.1) Ped signal button *

Is the pedestrian signal activated by a push button?

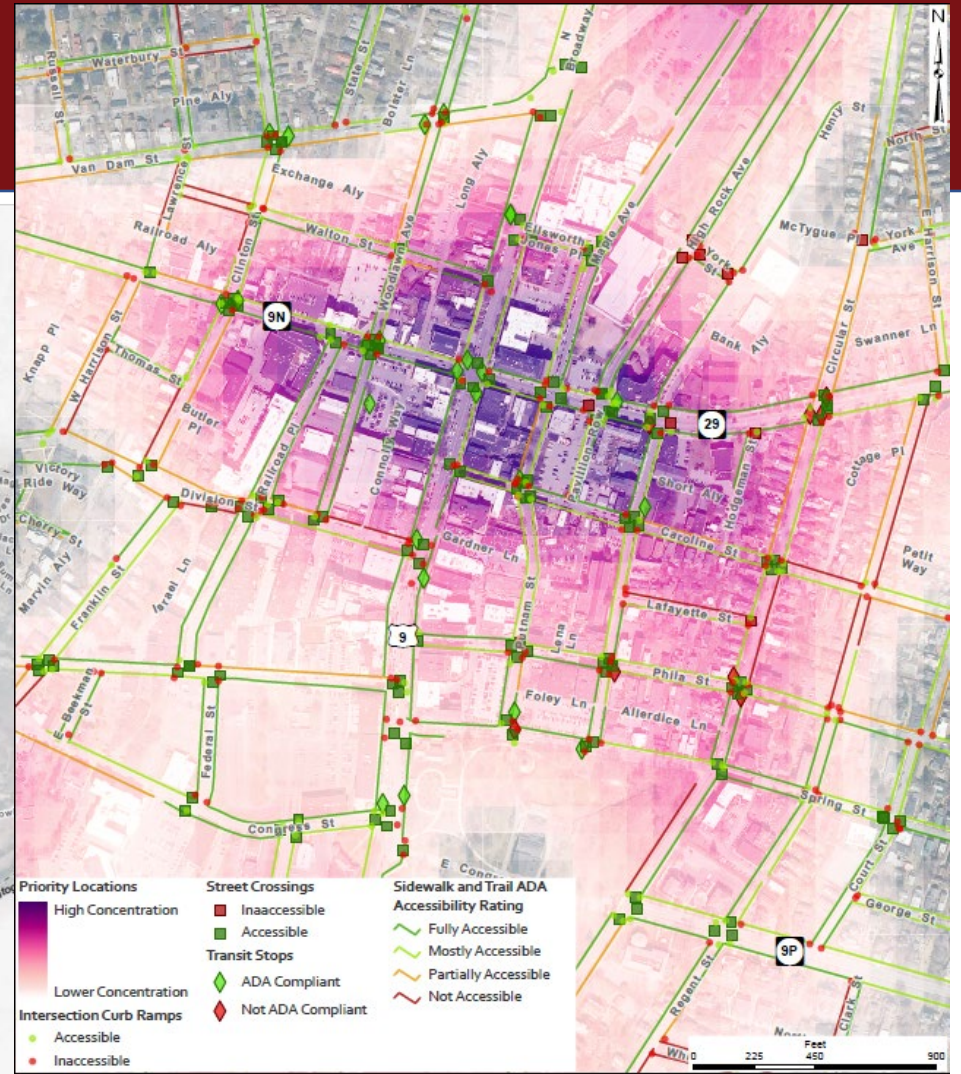
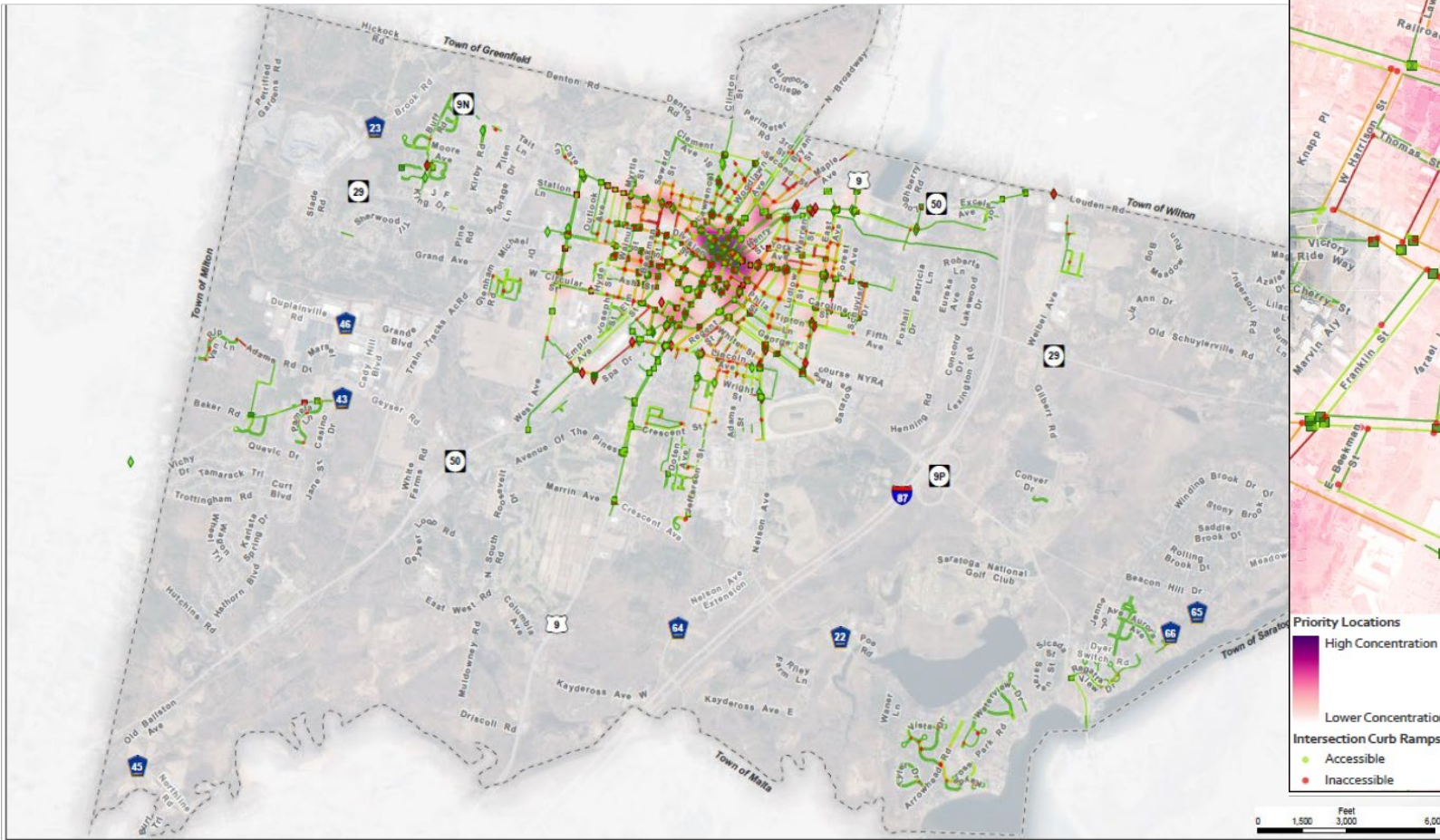
Reference Appendix A.5

Yes No

Example Prioritization Methodology

1. Facilities and intersections serving government facilities (including schools);
2. Facilities and intersections serving healthcare facilities, education sites, and commercial corridors or a particular commercial corridor;
3. Facilities and intersections serving other areas, including parks and historic sites

Condition and Prioritization



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 Capital District Office: 4 British American Blvd, Latham, NY 12110
 North Country Office: 20 Elm Street, Suite 110, Glens Falls, NY 12061
 Westchester County Office: 1 North Broadway, Suite 503, White Plains, NY 10601

Phone: (845) 454-3980 Phone: (518) 237-0255 Phone: (518) 812-0913 Phone: (914) 997-9810

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Priority Locations

- High Concentration
- Lower Concentration
- Intersection Curb Ramps
- Accessible
- Inaccessible

Street Crossings

- Inaccessible
- Accessible
- Transit Stops
- ADA Compliant
- Not ADA Compliant

Sidewalk and Trail ADA Accessibility Rating

- Fully Accessible
- Mostly Accessible
- Partially Accessible
- Not Accessible

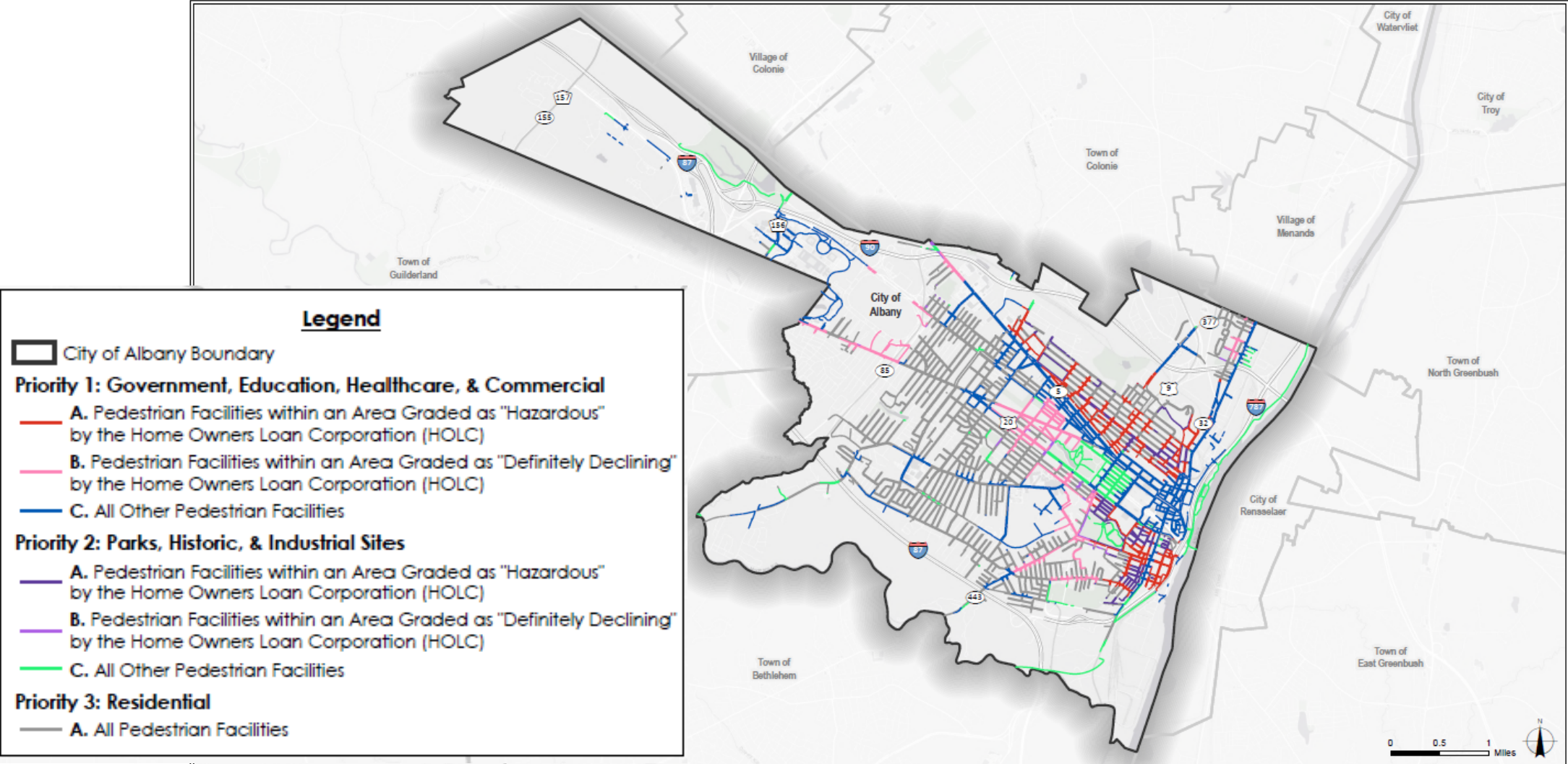
Saratoga Springs ADA Mapping

Priority Areas and Accessibility Inventory

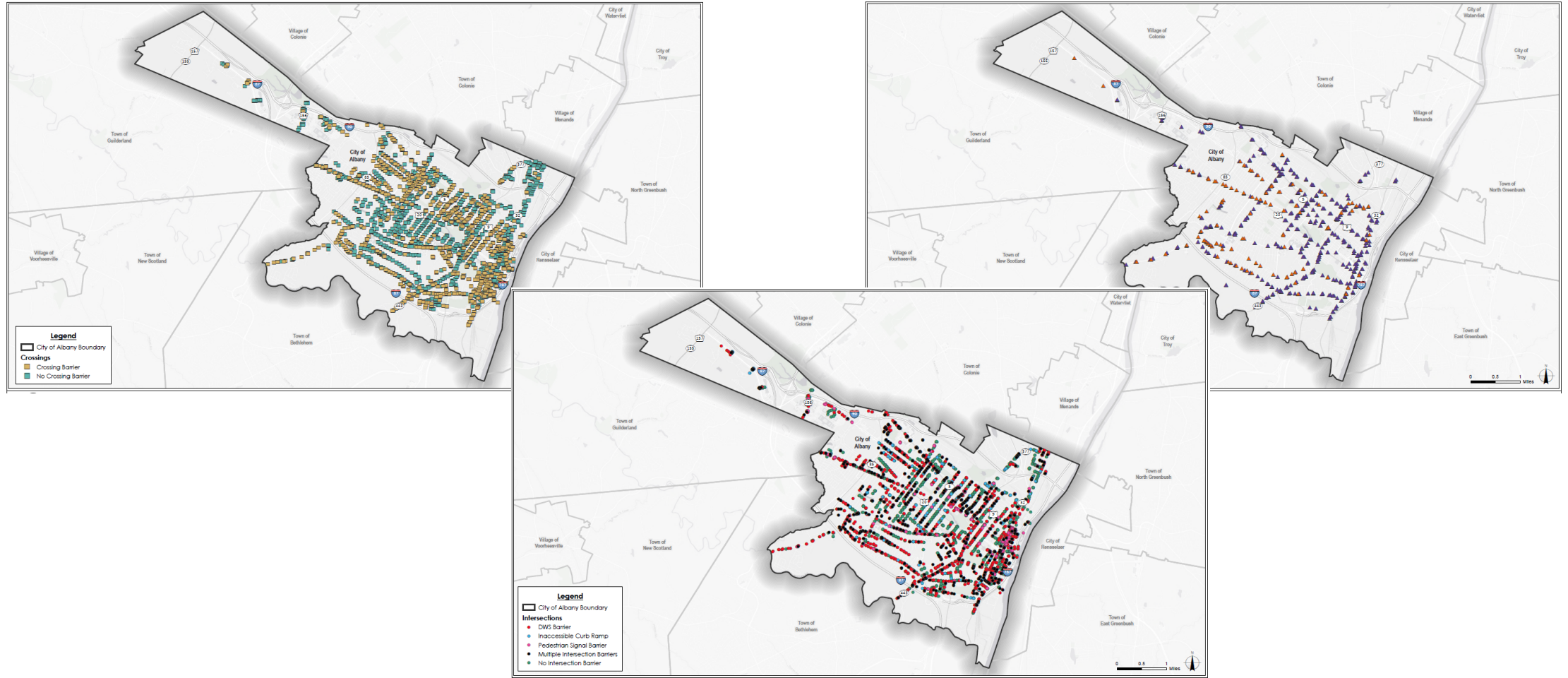
City of Saratoga Springs - Saratoga County, NY

Drawn: RL-S
 Date: 04/04/2022
 Scale: 1 in. equals 3,000 ft.
 Project: C232016.00
 Figure:

Prioritization



Data by Point Type



Tabular Results

Accessibility Rating	Road Name	Side of Road	From	To	Priority	Missing Panels	Heaving Panels	Too Narrow
Not Accessible	1st St	S	Judson St	Lexington Ave	1A	Yes	Yes	Yes
Not Accessible	1st St	N	Lexington Ave	Henry Johnson Blvd	1A	No	Yes	Yes
Not Accessible	1st St	S	N Lake Ave	Judson St	1A	No	Yes	Yes
Not Accessible	1st St	N	Ontario St	Quail St	1A	Yes	Yes	No
Not Accessible	1st St	S	132 Henry Johnson Blvd	Lark St	1A	Yes	Yes	No
Not Accessible	1st St	N	Judson St	N Lake Ave	1A	No	No	Yes
Not Accessible	1st St	N	St. Joseph's Terr	Ten Broeck St	1A	No	Yes	No
Not Accessible	1st St	N	Henry Johnson Blvd	Lark St	1A	Yes	Yes	Yes
Not Accessible	1st St	S	Lexington Ave	Henry Johnson Blvd	1A	No	Yes	Yes
Not Accessible	1st St	N	Judson St	Lexington Ave	1A	No	Yes	Yes
Not Accessible	1st St	S	Ontario St	Quail St	1A	Yes	Yes	No
Not Accessible	1st St	S	132 Henry Johnson Blvd	132 Henry Johnson Blvd	1A	Yes	No	Yes
Not Accessible	2nd St	S	N Swan St	Hall Pl	1A	No	Yes	No
Not Accessible	2nd St	N	Hall Pl	Ten Broeck St	1A	No	Yes	No
Not Accessible	2nd St	S	Henry Johnson Blvd	Lark St	1A	No	No	No
Not Accessible	2nd St	S	Lexington Ave	Henry Johnson Blvd	1A	Yes	Yes	No
Not Accessible	2nd St	S	Ontario St	Quail St	1A	Yes	Yes	No
Not Accessible	2nd St	S	Hall Pl	Ten Broeck St	1A	No	Yes	No
Not Accessible	2nd St	N	N Swan St	Hall Pl	1A	No	Yes	No
Not Accessible	2nd St	N	Lark St	N Swan St	1A	Yes	Yes	No
Not Accessible	2nd St	S	Henry Johnson Blvd	Lark St	1A	Yes	Yes	No
Not Accessible	2nd St	S	Judson St	Lexington Ave	1A	Yes	Yes	No
Not Accessible	2nd St	N	Ontario St	Quail St	1A	Yes	Yes	No
Not Accessible	2nd St	N	Ontario St	N Manning Blvd	1A	No	Yes	No
Not Accessible	3rd Ave	N	Elizabeth St	Clinton St	1A	Yes	Yes	No
Not Accessible	3rd Ave	N	S Hawk St	Elizabeth St	1A	Yes	Yes	Yes
Not Accessible	3rd Ave	S	Elizabeth St	Stephen St	1A	No	Yes	No
Not Accessible	3rd St	N	Lark St	N Swan St	1A	No	No	Yes
Not Accessible	3rd St	N	N Manning Blvd	Ontario St	1A	No	Yes	Yes

Saratoga Springs Block Level Sidewalk Score Results

Accessibility Rating	Percentage of Total Miles	Length (Miles)	Number of Blocks
Fully Accessible	52.5%	51.53	714
Mostly Accessible	26.7%	26.23	340
Partially Accessible	14.0%	13.77	206
Not Accessible	6.0%	5.93	88

Albany Block Level Sidewalk Score Results

Accessibility Rating	Percentage of Total Miles	Length (Miles)	Number of Blocks
Fully Accessible	31.8%	89.8	1273
Mostly Accessible	30.0%	84.5	1046
Partially Accessible	15.9%	45.0	504
Not Accessible	22.3%	62.8	676
Total	100%	282.1	3499

Capital Region Plans with inventories

Completed/Adopted

- Bethlehem
- Niskayuna
- Glenville
- Saratoga Springs
- Albany City

In progress

- Ballston Spa
- Guilderland
- Troy



Summary of Liability

- PROWAG will be standards
- DOJ investigations and 3-year implementation in settlement agreements
- National Cooperative Highway Research Program Legal Research Digest 65
- Amount of pedestrian infrastructure

Thank you!

- Capital District Transportation Committee – 518-458-2161
- Email – cward@cdtcmppo.org