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ADA Transition Planning

At Cole, we assist our clients in taking a proactive, sensible approach to effective planning for ADA compliance. Cole is a trusted source of expertise in understanding ADA regulations, navigating the myriad of guidelines, and promoting best practices for evaluating pedestrian access in the public rights-of-way. We are professional advocates of the Americans with Disabilities Act and encourage public agencies, private institutions, and commercial businesses alike to pursue a clear understanding of ADA regulations and the benefits of compliance.

The Americans with Disabilities Act was established to prohibit discrimination on the basis of disability. This civil rights law was enacted to protect nearly 50 million disabled Americans. Since the original act was passed, the U.S. Access Board has implemented specific standards for public facility accessibility titled the 2010 ADA Standards for Accessible Design and pedestrian accessibility called PROWAG (Public Rights of Way Accessibility Guidelines). According to the law, public entities (Title II) were required to have completed an ADA self-evaluation and transition plan, and commercial entities (Title III) were to remove barriers nearly 20 years ago. Yet many are still non-compliant.

Title II of the Americans with Disabilities Act (ADA) requires state and local governments to make their programs and services accessible to persons with disabilities. This relates not only to access at government facilities, programs, and events -- but also to pedestrian facilities in public rights-of-way. In 2004, in the case of *Barden v. Sacramento*, the 9th Circuit Court ruled that sidewalks were a "program" under ADA. The court decision relied upon language in ADA regulations that requires city ADA Transition Plans to include a schedule for the installation of curb ramps at intersections, holding that this requirement would be "meaningless if the sidewalks between curb ramps were inaccessible." The *Barden* decision made clear that public entities must ensure public sidewalks are free of barriers.

Ignoring the law can be expensive, particularly now that it is understood that pedestrian paths are part of the ADA. The City of Sacramento was subsequently engaged in a lawsuit for not constructing ADA compliant sidewalks during road improvements. The judgment not only cost the City over \$1 million in fines, but they were also required to assign 20 percent of their annual budget for the next 30 years to improve sidewalks, crosswalks, and curb ramps. In 2007, the City of Chicago settled one of the largest ADA cases in history, agreeing to spend \$10 million a year for five years on sidewalk accessibility, in addition to the \$18 million it spends annually on sidewalk maintenance.

While some public entities have completed ADA Transition Plans, many are in the process of updating or creating new



plans that include the necessary assessment of the public rights-of-way. The traditional ADA inventory process in the public rights-of-way can be laborious and imprecise. Many public entities rely on data collectors that provide limited information or only assess barriers intermittently; a process that does not offer a precise evaluation of needs or allow for accurate remediation of cost estimates. This challenge motivated Cole to find a viable solution for our clients. We identified a one of kind sensor and acquisition system created by Starodub, Inc. who was contracted by the Federal Highway Administration to develop a new technology. As a result, the ULIP-ADA™ was designed to accurately collect comprehensive public rights-of-way data for transition planning. Further proving to Cole that the ULIP-ADA™ was the ultimate solution, its successes were heavily documented in case study on sidewalk and curb ramp inventory conducted by Franz Loewenherz, Senior Transportation Planner at the City of Bellevue, WA. The city's resulting ADA Transition Plan, completed through use of the ULIP-ADA™, was cited as a best practice by the FHWA. With our in-house software development, engineering, and ADA expertise, Cole aligned forces with Starodub, Inc. to ensure the effective delivery of this unique technology could be made available nationally.

Cole is proud of our proficiency in PROWAG and addressing compliance concerns for organizations of any size with this cost effective, cutting edge technology. We gather sidewalk inventory using the ULIP-ADA™ which consists of a ULIP (Ultra Light Inertial Profiler) mounted on a Segway along with additional tools custom built for precision and efficient data collection. This method can measure approximately 8+ miles of sidewalk per day while traditional methods measure less than 2 miles per day. With a smart level, the slope is only measured where the instrument is laid, however, while driving the ULIP-ADA™, the slope is measured constantly. Data is synced directly to a sophisticated GIS database thus reducing the risk of errors in data conversion. Our process involves highly effective data syncing and analysis through Cole's customized software - increasing accuracy, improving project prioritization, and ultimately saving time and budget.

Cole's in-depth understanding of both public and private entities and their unique processes, along with knowledge of ADA requirements and industry connections, position us to manage both short-term and multi-year projects of any size on a national scale. Our specialized approach to comprehensive ADA services and transition planning also involves assembling the right team of expert consultants, should the complexity of a project require it.

Regardless of the reason, non-compliance today is unacceptable and dangerous. Conducting a thorough assessment of barriers is a necessary next step. Developing a transition plan that ensures compliance with the most recent ADA regulations could not only prevent future costly lawsuits or fines, it's also the right thing to do.

For any questions on this issue, please contact:

- Mike Vonderheide, P.E., at mvonderheide@colestl.com / 314-984-9887
- Belinda Banger at bbanger@colestl.com / 480-544-3930

cole

ST. LOUIS
Power House at Union Station
401 S. 18th Street
Suite 200
St. Louis, MO 63103
314.984.9887 tel

ST. CHARLES
1520 S. Fifth Street
Suite 307
St. Charles, MO 63303
636.978.7508 tel

DALLAS
6175 Main Street
Suite 367
Frisco, TX 75034
972.624.6000 tel

CIVIL ENGINEERING / SURVEYING / PLANNING / LANDSCAPE ARCHITECTURE

ULIP Advantages:

Budget Savings

- Labor Costs Reduced – Traditional Way Takes 6 Times Longer
- Overall Time Reduced – Same Resources Assigned, ULIP/Segway Faster
- Easy Integration into Budget Plans
 - Allows for Accurate Estimations of Compliance Cost
 - Integration in Capital Improvement Plans

Accuracy

- Allows Prioritization of Worst Offenses
 - ULIP/Segway Provides 100% Sampling, Identify Highest Priority
 - Analyze and Prioritize Most Severe Barriers
 - Increases Legal Defensibility
- ULIP/Segway Approach Takes out the Guesswork, Decreases the Field Inventory Effort, While Increasing Legal Defensibility