

Appendix J – Americans with Disabilities Act of 1990 and Non-Motorized Transportation

The Americans with Disabilities Act of 1990

(ADA) is a landmark law recognizing and protecting the civil rights of people with disabilities. Title I of the ADA prohibits discrimination in employment based on disability. Title III of the ADA prohibits discrimination based on disability in the provision of goods, services, facilities, and accommodations by private entities that provide public accommodations or operate commercial facilities. But it is Title II of the ADA which prohibits discrimination based on disability in the provision of services, programs, and activities by state and local governments, which is most relevant with regard to non-motorized transportation planning. As public entities covered under Title II of the ADA, transportation agencies are required and have a major responsibility to implement accessibility in their facilities and programs.

For more information about ADA guidelines visit: www.michigan.gov/disabilityresources or www.ada.gov

Under the ADA, services and facilities must be accessible to be nondiscriminatory, and the requirements for new construction and alterations are much more stringent than those for existing facilities.

Sidewalks and trails, whether new or existing, are subject to the requirements of the ADA.

Within many state and local governments, it is difficult for pedestrian projects to compete with the priorities that have been placed on automobile travel. For example, our MPO, like many others, does not systematically require or fund sidewalk installations on new federal-aid roadway projects. However, our MPO process does ensure that if during road reconstruction a sidewalk is removed, federal dollars may be used to replace that sidewalk. Unfortunately, without local policies at either the MPO or city level that encourage sidewalk construction, it will be difficult to develop an adequate sidewalk network.

Since Title II Implementing Regulations for the ADA requires all newly constructed and altered facilities (including sidewalks) to be readily accessible to people with disabilities, transportation agencies are responsible for developing a transition plan for existing deficient sidewalk networks. A plan for bringing intersections and other pedestrian facilities into compliance may be integrated into the transportation chapter of a city's capital improvement program or master plan. Another method for local governments to meet ADA requirements for pedestrian access includes enforcing accessible sidewalk design guidelines during the design and site-plan review stages of new developments.

In addition to improving existing facilities and ensuring new facilities meet local standards for sidewalk design, maintenance of sidewalk facilities is also important. While some local governments take responsibility for sidewalk maintenance, others hold property owners accountable. To ensure conformity with ADA requirements, it is recommended that sidewalk maintenance be the responsibility of the local government and be held to similar maintenance schedules as roads.