



## Are your curb ramps really ADA-compliant?

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*Most municipalities have implemented features required by the Americans with Disabilities Act (ADA), but many of these features fall short of ADA compliance. With a little background knowledge of the ADA and its standards, specifiers can alleviate some of the most common problems that occur when installing curb ramps.*

Parking, crossing the street, entering a building, using the restroom—for most of us, these are daily activities we don't give a second thought. For those with physical disabilities, however, these everyday tasks often present a set of unique challenges. Eighteen years ago, the Americans with Disabilities Act (ADA) was signed into law to ensure that everyone, regardless of physical limitations, had equal access to public facilities and programs. Since that time, features such as designated parking spaces, curb ramps and accessible restrooms have become standard in public and government buildings, and older facilities continue to be retrofitted with these features.

However, it's not enough to simply slap a curb ramp on the end of a sidewalk and call it a day. The ADA maintains very specific design guidelines to address the myriad of concerns that go along with making a particular path accessible for everyone. For instance, a ramp that can be navigated effectively by wheelchair users may present a different problem for those who are visually impaired, or vice versa. In recent years, many municipalities have been surprised to learn that their curb ramps do not comply with ADA standards.

### Understanding the ADA

Title II regulation of the ADA covers "public entities," which includes any state or local government and any of its departments, agencies or other instrumentalities. Private entities that operate public accommodations, such as hotels, restaurants, theaters, retail stores, doctors' offices and amusement parks, are covered by Title III of the ADA. Public transportation services operated by state and local governments are covered by regulations of the Department of Transportation.

One reason for this widespread failure in compliance is



**The above photo shows a compliant curb ramp. Components include detectable warning, sloping ramp surface, side flares and landing area at top of ramp for maneuverability.**

that, when specifying design standards, the ADA puts many decisions in the hands of local officials and design engineers, who may or may not have the knowledge necessary to understand the many complexities of the ADA. Often, help or advice from qualified consultants or local advocacy groups can be invaluable in a project's success. Attempting to make decisions without the help of qualified experts can result in a misguided direction of budget and resources. Further, when a public entity undertakes alterations to an existing building, it must also ensure that the altered portions are accessible. The ADA does not require retrofitting of existing buildings to eliminate barriers, but does establish a high standard of accessibility for new buildings.

### Grandfathering and Reasonable Accommodations

One common problem is the issue of grandfathering or small entity exemption. City governments may believe that their existing programs and facilities are protected by a "grandfather" clause from having to comply with the requirements of Title II of the ADA. Small municipalities may also believe that they are exempt from complying with Title II because of their size. Because city governments wrongly believe that a "grandfather"



**Inspecting truncated dome installation for detectable warning component of ramp**

clause or a small entity exemption shields them from complying, they fail to take steps to provide program access or to make modifications that are required by law.

In reality, there is no “grandfather” clause, but the law is flexible. City governments must comply with Title II of the ADA, and must provide program access for people with disabilities to the whole range of city services and programs. In providing program access, city governments are not required to take any action that would result in a fundamental alteration to the nature of the service, program, or activity in question or that would result in undue financial and administrative burdens. If an action would result in such an alteration or such burdens, a city government must take any other action that it can to ensure that people with disabilities receive the benefits and services of the program or activity.

Perhaps the most ambiguous decision that the ADA leaves open to interpretation is the issue of “reasonable accommodations.” Such was the case in a project on which H.R. Gray—a firm that offers program and construction management services—provided consultation for an elaborate boulder garden on private property that sat in the right-of-way on a curb ramp renovation site. With the understanding that this private improvement as well as public obstructions such as manholes, catch basins, electrical boxes and utility poles would create expensive conflicts, H.R. Gray recommended that the City change its definition of a legal crosswalk to permit the location of ramps off the radius of the corner, but still within the new legal definition of the crosswalk. This permitted the curb ramps to be installed around the boulder garden, saving the City the cost of acquiring the private property, while still complying with the ADA’s specifications.

## Conquering Curb Ramps

The ADA requires curb ramps on streets or roads “wherever there are curbs or barriers to entry from a pedestrian walkway.” Any new roadway construction or reconstruction that includes new sidewalks or is in an area with existing sidewalks requires curb ramp installation. Further, any sidewalk improvements or alterations within or adjacent to an intersection or a public transportation stop—even if the sidewalk work is incidental to other work such as utility installation—requires a curb ramp. New construction or reconstruction projects that provide access to a public facility or program also must have curb ramps. Finally, the Department of Justice has established that street resurfacing is an alteration prompting the requirement that curb ramps be installed at all intersections within a resurfacing area where sidewalks exist.

To be considered compliant, all curb ramps must include a ramp and a landing at the top—each with specified cross-slopes and running slopes. Smooth transitions onto the sidewalk and crosswalk must be provided. In some circumstances, street level landings are also required. Ponding water in the gutter area in front of ramps must be prevented. When curb ramps are constructed into the walkway so that pedestrian traffic would cross the ramp, side flares are required with specified slopes to prevent trip hazards. Curb ramps are also required where a sidewalk intersects with the road. These ramps are designed to allow



**Using “smart level” to measure cross slope of ramp**

those with mobility impairments safe access to sidewalks and other pedestrian areas. All new construction projects are required to implement curb ramps; however, alteration projects may or may not require curb ramps to be retrofitted to existing sidewalks. For instance, resurfacing a street or sidewalk is considered an “alteration” under the ADA and therefore requires the addition of curb ramps, while simply

filling potholes is considered maintenance and does not require the installation of new curb ramps.

New curb ramps must also have detectable warnings, in the form of truncated domes, that help the visually impaired determine when they are entering a roadway. Generally, retrofit detectable warning devices are not required for old ramps. However, if a project is implemented, such as a street resurfacing, that would require installation of curb ramps, and the existing ramps are otherwise compliant, retrofit detectable warning devices are required.

## A Customized Approach

Given the many intricacies of the ADA, one standard design can't possibly function for every curb ramp. Factors such as slope difference and interfering objects (trees, signs, fire hydrants, etc.) require each curb ramp be given a customized approach. However, this is not to say that each one must be designed from scratch. The City of Columbus, Ohio, for example, maintains 13 standard curb ramp designs, each of which can be modified on a case-by-case basis.

Before beginning any new curb ramp project, it is important to study similar projects that have been completed in the past to learn what worked and didn't work. Further, training for the entire team—not only your staff but also local design consultants and the construction workers that will build the ramps—is necessary to ensure a successful project.

One recent example that occurred in Pennsylvania demonstrates the importance of training all personnel involved with a curb ramp project. The City was sued by a local advocacy group for the disabled who claimed that the City had failed to comply with the Americans with Disabilities Act. The City negotiated an interim settlement agreement that required them to begin a curb ramp construction program as a part of their ongoing resurfacing program while final settlement negotiations continued. Early in the program, the City had to suspend curb ramp construction because a high percentage of the newly-constructed ramps were not ADA-compliant. The City asked H.R. Gray to help them develop a training program for their team including their engineering staff, inspection personnel, local consultants and contractors. An eight-hour training session was conducted. Ramp construction resumed and near 100 percent compliance was achieved almost immediately.

When undertaking any ADA project, it's important for the entire team to keep compliance as the number-one goal. This push toward a common goal, combined with education on basic ADA issues and requirements, can go a long way in ensuring that every one of your projects is ADA-compliant.

*Scott A. Swiderski will co-present an educational session (along with Thomas B. Merritt, Chief Administrative Officer of H.R. Gray) at the 2008 APWA Congress in New Orleans. The session is entitled "Dispelling the Myths about ADA Compliance within the Right-of-Way" and takes place on Tuesday, August 19, at 10:00 a.m. He can be reached at (512) 340-0680 or [sswiderski@hrgray.com](mailto:sswiderski@hrgray.com).*



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