



# Kansas LTAP Fact Sheet

A Service of The University of Kansas Transportation Center for Road & Bridge Agencies

## Guides for Providing Accessibility: MUTCD and ADAAG

By Nate Vander Broek

**N**ow that the 2009 version of the *Manual on Uniform Traffic Control Devices* (MUTCD) has been adopted by the State of Kansas (as of December 2011), any local government in Kansas that does not comply with its revised requirements runs the risk of a lawsuit if there is a crash and it is found that the MUTCD was not followed. The 2009 version has several revisions from the older 2003 version related to ADA (Americans with Disabilities Act) requirements. This article will highlight these changes and provide some examples of municipalities in Kansas working through these new requirements—and others of the ADA.<sup>1</sup>



### MUTCD and accessibility

Bruce Friedman, the MUTCD's national ADA expert, said the parts of the 2009 MUTCD most directly related to accessibility provisions are Chapter 4 and Chapter 6.

Chapter 4E (especially Sections 4E.09 through 4E.13) deals primarily with pedestrian signals and detectors, such as audible tones, speech messages, and/or vibrating surfaces. Major revisions to this section include the following:

- Requiring both audible and vibrotactile walk indications;
- Providing for additional features through an extended push-button press;
- New provisions for the use of audible beaconing;
- A new requirement that accessible walk signals shall have the same duration as the pedestrian walk signal unless the pedestrian signal rests in the walk phase;
- Limiting the use of speech messages only to locations where it is infeasible to install two accessible pedestrian signals (APS) separated by at least 10 feet on a given corner;
- A new standard that requires the use of locator tones, tactile arrows, speech walk messages, and a speech push-button informational message when two accessible pedestrian push-buttons are placed less than 10 feet apart or on the same pole;
- If the clearance time is sufficient to only cross to the

median of a divided highway, pedestrian signals (with pedestrian detectors if actuated operation is used) shall be provided on the median.

Chapter 6D (especially Section 6D.02) of the MUTCD covers accessibility considerations for temporary traffic control (TTC) zones. Changes to this section are minor, and they mainly include instructions moved from one section to another. Accessibility considerations found in Chapter 6D.02 include:

- When existing pedestrian facilities are disrupted, closed, or relocated in a TTC zone, the temporary facilities shall be detectable and include accessibility features consistent with the features present in the existing pedestrian facility.
- Where pedestrians with visual disabilities normally use the closed sidewalk, a barrier that is detectable by a person with a visual disability traveling with the aid of a long cane shall be placed across the full width of the closed sidewalk.

We spoke with Mike McGee, director of building and general services for the **City of Topeka** public works department, about meeting MUTCD regulations for accessibility. He said it hasn't always been easy to get contractors to accommodate pedestrians and persons with disabilities—especially in work zones that require a detour. To help with this problem, all bid documents for Topeka now include the necessary accessibility requirements as stated in the MUTCD.

<sup>1</sup>Note that the ADA does not require immediate system-wide retrofits; most changes are required to be done at the time of construction or major repair.



McGee's advice for cities is to be proactive. "Topeka has stayed out of trouble because the City set aside money in its budget to make accessibility improvements, such as new traffic signals, when necessary," he said.

### **ADAAG compliance**

Even if your city is following all of the MUTCD regulations for accommodating people with disabilities, that's just one aspect of federal requirements for providing accessibility. You must also be up-to-date with all of the requirements in the *Accessibility Guidelines for Buildings and Facilities* (ADAAG), or run the risk of being sued. That is exactly what happened to the City of **Winfield, KS**.

In 2006, the Kansas Disability Coalition sued the City over compliance with Title II of the ADA. At the time, the City was actually installing new ramps with construction projects at a faster rate than most other cities of comparable size, and ADA items accounted for 25-35 percent of overlay project budgets, but a suit was still filed at the request of a resident who believed his accessibility needs were not being met. The Coalition and the City reached a settlement that required the City to create an ADA Transition Plan (see link below in the Sources). Completion of the plan is estimated to cost the city \$288,000 over a 10-year period.

Russ Tomevi, director of public works and engineering for the City of Winfield, said the City created an advisory committee to help keep track of the plan and be proactive with ADA compliance. He said the transition plan allowed the City to restructure and do a better job at prioritizing the City's continued efforts to comply with the law.

The City is constructing sidewalks and ramps to make the city more accessible and to fully comply with ADA regulations. Tomevi estimated improvement costs to be \$8,000 to \$10,000 per intersection. In the distant future, Tomevi intends to update the City's traffic signals to make them more accessible, such as by adding sound actuators. Tomevi is concerned, though,

that the noise of the actuator may be a nuisance to some people living or working near the traffic signal.

We spoke with another city's public works director, Suzanne Loomis of the **City of Newton**, about her city's experience complying with ADA. She said ADA related pavement marking and signage has not been a significant hardship: "We just go about the required installations." However, she said providing accommodations for persons with disabilities is not always easy. She said their biggest challenge is providing ramps with truncated domes because they are complete retrofits and are very expensive.

Detectable warnings like domes are not included in the MUTCD, but they are required under the ADAAG. The City of Newton installs truncated domes on new ramps that are a part of a new construction project and on existing ramps as repairs are necessary, said Loomis. "We have even done a few pilots using multiple installation types to determine our method of choice," she said.

### **In sum**

McGee's advice for cities is to try to stay ahead of the game and make sure all facilities are accessible, including streets, sidewalks and buildings. "Follow the MUTCD for traffic control devices and the ADAAG for other transportation-related accessibility requirements," he said. McGee also mentioned the importance of working with the public. "Topeka has done a good job of advertising to the community that we're trying our best to make streets and facilities accessible, and that if anyone has accessibility issues, to let us know." McGee concluded with some practical advice: "Be creative. There are many things you can do to make things accessible."

Loomis says "changing regulations almost always means more budget dollars are needed for us to comply. However, if you spend the day with someone in a wheelchair, you begin to understand the drive behind the changes. My friend, the City police chief, has to use a wheelchair to get around and

Sources:

#### *Traffic control and accessibility:*

- 2009 MUTCD Part IV changes. <http://mutcd.fhwa.dot.gov/services/ppt/mutcd09training/mutcd09part4.ppt>
- MUTCD change list from the 2003 Edition to the 2009 Edition. [http://mutcd.fhwa.dot.gov/htm/2009/mutcd2009cl\\_index.htm](http://mutcd.fhwa.dot.gov/htm/2009/mutcd2009cl_index.htm)
- 2009 Manual on Uniform Traffic Control Devices (MUTCD). <http://mutcd.fhwa.dot.gov>
- Accommodating Persons with Disabilities [http://ops.fhwa.dot.gov/aboutus/one\\_pagers/mutcd.htm](http://ops.fhwa.dot.gov/aboutus/one_pagers/mutcd.htm)
- Pedestrian Safety and Accessibility in Work Zones. [http://www.workzonesafety.org/fhwa\\_wz\\_grant/atssa/atssa\\_pedestrian\\_work\\_zones](http://www.workzonesafety.org/fhwa_wz_grant/atssa/atssa_pedestrian_work_zones)

#### *Accessible public facilities:*

- U.S. Legislation, Standards, and Guidance Applicable to APS. [http://www.apsguide.org/chapter1\\_guidance.cfm](http://www.apsguide.org/chapter1_guidance.cfm)
- Special Report: Accessible Public Rights-of-Way Planning and Design for Alterations. <http://www.access-board.gov/provac/alterations/guide.htm>
- ADA Accessibility Guidelines for Buildings and Facilities (ADAAG). <http://www.access-board.gov/adaag/html/adaag.htm>
- ADA Best Practices Tool Kit for State and Local Governments. <http://www.ada.gov/pcatoolkit/toolkitmain.htm>
- City of Winfield ADA Transition Plan. [http://www.winfieldks.org/documents/City%20of%20Winfield/ADA%20Information/Winfield\\_-\\_Transition\\_Plan\\_-\\_Draft2.pdf](http://www.winfieldks.org/documents/City%20of%20Winfield/ADA%20Information/Winfield_-_Transition_Plan_-_Draft2.pdf)



I have seen his challenges. It is a different world for those with disabilities and we want our city to be compassionate to those issues. We just hope future updates of the regulations are sensible so we have the dollars available to serve the critical needs of those requiring assistance.”

The continual change in regulations is very challenging, said Tomevi. Improvements that were fully compliant when they were constructed 10-15 years ago now must be modified to meet newer regulations.

“People tend to think that ADA is only about individuals confined to wheelchairs, when it is not,” said Tomevi. “There are many other types of disabilities, and with an aging population, most of us will be challenged with some of these issues. You only need to spend a few hours using crutches to learn how sidewalk cross slopes and other barriers affect your mobility and quality of life. We want our citizens to know that we make a variety of accessible improvements because it is the right thing to do for everyone.

To read more about the MUTCD’s latest changes, see the first two sources below. For questions about accessible non-traffic control devices, such as curb ramps and detectable edging, Friedman suggests contacting the U.S. Architectural and Transportation Barriers Compliance Board (US Access Board) at <http://www.access-board.gov> or at (202) 272-0080. ■

Reprinted from the Spring 2012 issue of the *Kansas LTAP Newsletter*, a publication of the Kansas Local Technical Assistance Program (LTAP) at the Kansas University Transportation Center.