

Frequently Asked Questions for ADA in the Public Rights-of-Way

What is the ADA?

The Americans with Disabilities Act (ADA) is a Civil Rights Law enacted by President George H. W. Bush on July 26, 1990. The law protects the rights of people with disabilities from discrimination.

Title II of the ADA requires that State and Local Governments ensure that their programs, activities and services are available to all including pedestrian facilities in the Public Rights-of-Way.

What is an ADA Transition Plan and why is it necessary?

When the ADA was enacted, it was recognized that the existing infrastructure would not meet the requirements set forth to achieve ADA compliance. The Federal Government requires that States and Local Governments with 50 or more employees complete a self-evaluation to identify the physical barriers and create a Transition Plan to outline how the physical barriers identified through the self-evaluation will be removed. Not only is this the right thing to do, but non-compliance with this requirement can result in a loss of federal funding.

The City is updating the ADA Transition Plan in its entirety. The Public Rights-of-Way portion will become an addendum to the plan the City ADA Coordinator is developing with Altura Solutions. Their work includes the City's owned and leased buildings, programs, activities and services offered by the City and the website.

Why is so much infrastructure in the Public Rights-of-Way non-compliant?

Much of the infrastructure was built prior to the ADA and while the Americans with Disabilities Accessibility Guidelines (ADAAG) have been in place since 1991, the guidelines for the public rights-of-way have not yet been enacted into law. Not having clearly defined standards has led to confusion on what is required. To help alleviate this confusion, the City incorporated the use of the Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) into the Charlotte Land Development Standards Manual (CLDSM). Once PROWAG is enacted into law, the Federal Highway Administration (FHWA) will adopt the standard. Until then, the FHWA has advised that PROWAG should be considered a best practice especially in areas not addressed by ADAAG.

What has the City done so far to remediate ADA issues in the Rights-of-Way?

- Projects built through the Capital Investment Plan remove physical barriers within the scope of the project,
- Requests through 311 as well as the City's Resurfacing Program add curb ramps where none exist but are required,
- Add Accessible Pedestrian Signals (APS) at newly signalized intersections,
- Extensive staff training throughout the years,
- Hosted the US Access Board to provide guidance to the developers and contractors in the local area,
- An ADA Field Guide was created to advise how slope measurements were to be taken to ensure consistency in new construction and reconstruction. The target audience was the City's construction inspectors, but outside contractors have found it useful as well.

Since the beginning of this project, hundreds of curb ramps, miles of sidewalk, dozens of accessible pedestrian signals (APS) and bus stops have been constructed or reconstructed through public and private development.

The Self-Evaluation data collection shared in this presentation helps the City identify the issues and prioritize the public rights-of-way for remediation over time. Residents can provide additional comments and feedback about locations of concern through the survey process.

How do I make a request or report an ADA issue?

Please contact 311 to make a request or report an issue.

Are sidewalks required by the ADA?

Many residents find it surprising that the ADA does NOT require sidewalks. The ADA requires that sidewalks be accessible if they are built. Please refer to Charlotte WALKS for more information on requesting sidewalk.

Does the City have a Curb Ramp Request Program where a resident can request a curb ramp where one is missing?

Curb ramps are required at street intersections where curb and sidewalk create a barrier. The Self-Evaluation data collection provides the location of "missing" curb ramps and the ADA Transition Plan will address the need to add curb ramps at these locations. In the interim, curb ramps can be requested through 311.

What are the “bumpy mats” on the curb ramps at street intersections for?

These are detectable warnings for people with visual impairments or low vision. These function as a stop bar to warn when one is about to enter vehicular traffic. The truncated domes are intended to be felt by cane or by foot and guide dogs are trained to recognize them and stop. The color of the truncated domes must contrast with the surface to assist people with low vision in identifying the curb ramp on the opposite side of the street. This is especially important if there is no marked crosswalk at the intersection.

Why is my bus stop missing a boarding area?

A number of CATS bus stops have existed for many years. In most of those areas, bus stops predate the complete development of the property and/or there may be limited right-of-way for the installation of transit amenities (the City cannot construct infrastructure on private property). Today, bus stops are established at locations with a stable and firm boarding area in order to meet guidelines set by the ADA. For exiting stops without a boarding area, CATS is working to implement improvements to ensure that all stops meet ADA guidelines where feasible.

Who is on the CATS Bus Stop Committee, and what do they do?

The CATS Bus Stop Committee is comprised of members selected to represent areas of their expertise. The Bus Stop Committee includes individuals from: CATS Bus Operation Division, CATS Safety & Security, CATS Planning, CATS Civil Rights Group, CDOT Planning, CDOT Traffic Safety, and CATS Manager of Service Development. The Bus Stop Committee reviews complaints and/or requests regarding bus stops including: requests for new bus stop, requests for removal/relocation of existing bus stop/amenities, adding or removing existing route labels to active bus stops, and/or reviews issues regarding safety at a bus stop and ADA conformity.

Why is there no sidewalk at my bus stop?

The Charlotte Department of Transportation and North Carolina Department of Transportation have guidelines and regulations that establish the requirements necessary for the installation of pedestrian infrastructure. CATS staff works with these agencies to coordinate bus stop amenities, but these agencies all control different aspects of the infrastructure. The Self-Evaluation data will provide information and prioritize where improvements are needed. If residents have specific locations of concern, the survey feedback is helpful to prioritize these improvements.

I have a specific ADA complaint. Who do I contact?

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