

SIDEWALK ACCESSIBILITY

Unimpeded access to sidewalks is essential for people with mobility impairments to go to work, access government buildings, shop, and generally to travel freely through their communities. This Fact Sheet provides general information about the obligations of governments and public accommodations to assure access to sidewalks, including installing curb ramps (sometimes called curb cuts), under the Americans with Disabilities Act (ADA).

What is the government's obligation to install curb ramps?

The ADA requires state and local governments to install curb ramps (short ramps that either cut through a curb or are built up to it) at pedestrian intersections when they construct or alter the streets where intersections are located. "Alterations" that require installation of curb ramps include resurfacing or repaving of the street and excavation of the street to install or repair water or gas pipes. Repairing potholes or replacing or installing traffic lights are not the type of alterations that require installation of curb ramps.

Aside from installing curb ramps when it constructs or alters streets, state and local governments must develop and implement a "transition plan." The transition plan must include a schedule for installing curb ramps. Priority is to be given to installing curb ramps at locations where there are government offices and facilities, transportation routes, public accommodations, and places of employment. You can ask your government to inspect its transition plan.

What standards are used to install curb ramps?

The ADA Accessibility Guidelines (ADAAG) provide detailed standards for the dimensions and characteristics for newly-installed curb ramps. ADAAG requires, for example, that curb ramps be built flush with the streets and include detectable warnings (raised lines) for people with visual impairments.

What is the government's obligation to maintain curb ramps?

Once the government installs curb ramps, it is required to maintain them in operable working condition.

What is the government's obligation to assure accessible sidewalks?

Even when there is a proper curb ramp, a person with a mobility impairment may be impeded in traveling if there are broken or obstructed sidewalks. The ADA requires governments to maintain their sidewalks and to remove barriers to sidewalk accessibility.

Who is responsible to pay for curb ramps and sidewalk maintenance on publicly-

owned roads?

The ADA does not state who is responsible to pay for curb ramps and maintain sidewalks. Since Pennsylvania law also requires the state and municipalities to install curb ramps when installing or replacing sidewalks and curbs, the cost of doing so would not be passed on to the property owner. With respect to sidewalk maintenance, state law allows municipalities to require property owners to lay and maintain sidewalks in front of their property. It is illegal under the ADA for the local government to impose a surcharge on any particular individual with a disability or group of people with disabilities for the installation of curb ramps or maintenance of sidewalks.

What is the responsibility of public accommodations to build curb ramps?

Under the ADA, public accommodations (which includes retail stores, banks, restaurants, and museums) also may have to install curb ramps on property they own or rent to assure that people with disabilities have access to their facilities. All public accommodations constructed after January 26, 1993 must be fully accessible (including curb ramps). If public accommodations altered a portion of their facilities that included a "primary function" area (such as a dining room in a restaurant), it probably has to assure that there is an accessible path of travel to that area (including an accessible entrance and curb ramps). Even those public accommodations built prior to January 26, 1993 and which have never been altered must remove architectural barriers if doing so is readily achievable, giving first priority to those changes that will allow entrance to the building (including curb ramps).

Who can you contact to file a complaint?

If you believe that a state or local government or a public accommodation has not complied with its obligations under the ADA you may file a complaint with the United States Department of Justice (DOJ), Civil Rights Division, 950 Pennsylvania Avenue, N.W., Disability Rights Section - NYAV, Washington, D.C. 20530. Information about filing a complaint with DOJ is available on its website at www.usdoj.gov/crt/ada/t3compfm.htm or you can call DOJ's ADA Information Hotline at 800-514-0301 (voice) or 800-514-0383 (TDD).

Alternatively, you may file a lawsuit to challenge the failure of a government entity or public accommodation to comply provisions relating to sidewalk accessibility.

Where can you get further information?

To obtain further information about your rights under the ADA, including issues concerning sidewalk accessibility, you can contact the intake system of Disability Rights Network of Pennsylvania at 800-692-7443 (voice) or 877-375-7139 (TDD).

