

## **CURB RAMPS: GETTING FROM HERE TO THERE**

Curb ramps are essential to enable people with mobility impairments to go to work, to access government buildings, to participate in recreational activities, to shop, and generally to allow such individuals to travel freely through their communities. The Americans with Disabilities Act ("ADA") recognized the importance of curb ramps by making specific provisions for their installation. This fact sheet will discuss some of those provisions.

### **What are curb ramps?**

Curb ramps are short ramps that either cut through a curb or that are built up to it. When curb ramps are cut into curbs, they are sometimes referred to as "curb cuts." The ADA Accessibility Guidelines ("ADAAG") provide detailed standards for the dimensions and characteristics for newly installed curb ramps, including the requirements that the ramps must be flush with the streets and that they include detectable warnings (raised lines) for people who have visual impairments.

### **Who benefits from curb ramps?**

People who use wheelchairs are not the only beneficiaries of curb ramps. Anyone for whom ambulation is difficult or painful, such as arthritis, also benefit from curb ramps.

### **What is your government's obligation to install curb ramps?**

#### **New construction and alterations**

Effective January 26, 1992, the ADA required states and local governments (such as cities and towns) to install curb ramps at pedestrian intersections for which they are responsible when they construct or alter streets, roads, highways, and pedestrian walkways where those intersections are located.

1. Alterations that trigger the ADA's requirement to install curb ramps include (among others):
  - ◇ resurfacing or repaving of the street;
  - ◇ excavation of the street to install or repair water or gas pipes.
2. Alterations that do not trigger the ADA's requirement to install curb ramps include (among others):
  - ◇ repairing pot holes;
  - ◇ replacing or installing traffic lights.

#### **Unchanged streets and curbs**

In addition to the requirement that states and local governments install curb ramps when they construct or alter streets or curbs after January 26, 1992, the states and local governments also have a responsibility to assure that its programs, when viewed in their entirety, are accessible. In this regard, the ADA specifically required states and most local governments to adopt a transition plan by July 26, 1992. The plan must include a schedule for providing curb ramps, giving priority to state and local government offices and facilities, transportation, public accommodations, and places of employment. You have the right to inspect the transition plan.

### **Maintenance of curb ramps**

States and local governments which install curb ramps are also required to maintain them in operable working condition.

### **Payment for curb ramps**

The ADA does not explicitly state who is responsible to pay for curb ramps. Usually, the local government absorbs the cost, but on rare occasions they may pass the cost onto the property owner whose property includes the curb. It is, however, illegal 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.

### **What is the responsibility of public accommodations and commercial facilities to build curb ramps?**

Under the ADA, public accommodations (which include retail stores, banks, restaurants, and museums) and commercial facilities (which include office buildings) also may have responsibilities to install curb ramps on property that they own or rent to enable people with disabilities to access their facilities.

### **New construction**

The ADA requires that public accommodations and commercial facilities designed for first occupancy on or after January 26, 1993 must be accessible to individuals with disabilities unless it is structurally impracticable to do so due to the unique characteristics of the terrain. This requirement includes the installation of curb ramps if necessary to access the facility.

### **Alterations**

Public accommodations and commercial facilities altered, in whole or in part, after January 26, 1992 must assure that the altered parts of the facilities are accessible to individuals with disabilities, unless doing so is virtually impossible.

1. Alterations include (among others):

- ◇ remodeling, renovation, or reconstruction;
  - ◇ changes or re-arrangement in the structural parts or elements;
  - ◇ changes or re-arrangement in the plan configuration of walls and full-height partitions.
2. Alterations exclude (among others):
- ◇ normal maintenance;
  - ◇ re-roofing;
  - ◇ painting or wallpapering;
  - ◇ asbestos removal;
  - ◇ changes to mechanical or electrical systems that do not affect the building's usability.

If the altered portion of a facility affects or could affect the usability of or access to an area of a facility containing a primary function (such as a dining room in a restaurant or a customer service area in a bank), the facility must make the path of travel to the altered area accessible to people with disabilities. An accessible path of travel includes curb ramps. A public accommodation or commercial facility need not provide a fully accessible path of travel when primary function areas are altered if the cost of alterations to make the path of travel accessible are disproportionate (that is, if those costs exceed 20% of the cost of the alterations to the primary function area). Even when the cost of alterations necessary to make the path of travel fully accessible is disproportionate, the path must be made accessible to the extent possible without incurring disproportionate costs, giving priority to the provision of an accessible entrance (including curb ramps).

### **Unchanged facilities**

Even those public accommodations built prior to January 26, 1993 which have not been altered may have to install curb ramps. Under the ADA, public accommodations had a duty to remove architectural barriers to the extent that doing so is readily achievable. It is "readily achievable" to remove barriers if it can be easily accomplished and carried out without much difficulty or expense. The first priority in removing barriers is to make changes that allow people with disabilities to enter the public accommodation -- including installation of curb ramps.

### **Who can you contact to file a complaint about curb ramp issues?**

If you believe that your state or local government or a public accommodation or commercial facility has not complied with its obligation under the ADA to install curb

ramps, you may file a complaint by contacting the Department of Justice:

Department of Justice  
Office of the Americans with Disabilities Act Civil Rights Division  
P.O. Box 66118  
Washington, D.C. 20530-6118  
(202) 514-0301 (voice)  
(202) 514-0381 (TDD)

You also may be able to pursue a lawsuit to challenge the failure to install curb ramps by a government entity, public accommodation, or commercial facility. You do not need to file a complaint with the Department of Justice in order to proceed with a lawsuit.

**Where can you get further information?**

To obtain further information about your rights under the ADA, including issues involving curb ramps, you can contact the intake system of the Disability Rights Network of Pennsylvania at 1-800-692-7443 or 877-375-7139 (TTY).