



# city of san luis obispo

955 Morro Street • San Luis Obispo, CA 93401

October 28, 2002

Scott Windley  
U.S. Access Board  
1331 F St., Suite 1000  
Washington, D.C. 20004

**Re: Draft guidelines on accessible public rights-of-way as proposed by the U.S. Access Board.**

Dear Mr. Windley,

Thank you for the opportunity to comment on the proposed guidelines on accessible rights-of-way as proposed by the U.S. Access Board. We realize Title II of the ADA requires state and local governments to not discriminate against people with disabilities in their programs, services and facilities. However, it is our professional opinion that many of the proposed rules and guidelines need clarification, revision or removal. It is our contention that there may be significant unintended consequences associated with many of the requirements coming from the proposed rule.

It is our firm commitment to provide for accessible pedestrian accommodations when building facilities within the public right-of-way. However, this access needs to be balanced with all users of the public right of way. We agree with the need to standardize these minimum design criteria and provide for more consistent pedestrian systems. Many of the proposed guidelines achieve this objective. Some do not.

We offer the following comments on the proposed rule.

**1101.3 Defined Terms:** The definition of "Blended Transitions", "Clear Area" and "Technically Infeasible" should be included. The proposed definition of "Street Furniture" is overly broad and should be specific as to content.

**1102 Scoping Requirements:** The discussion of provisions indicates that pedestrian elements are not required where none are intended. However, that interpretation is unclear from the actual wording of 1102. The discussion also indicates only the elements affected by construction have to comply with the provisions, but there appears to be areas of easy misinterpretation such as 1102.4 which states, "The pedestrian access route shall connect to elements required to comply with Chapter 11.", also 1102.2.2, "Where existing elements or spaces in the public right-of-way are altered, each altered element or space shall comply with applicable provision of Chapter 11." As an example, if a roadway is resurfaced, does this "alteration" to the street require that it meet Chapter 11 provisions? If so, achieving many of the



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new standards, such as “table topping” of intersections along the way to meet the 2% crosswalk cross slope requirement will not be financially feasible

Similarly, the requirement to acquire right-of-way where “practicable” may have a chilling effect on projects, which may be technically feasible but have a requirement to purchase right-of-way from an unwilling seller. Most jurisdictions have the right to exercise eminent domain provisions, however, that is a very burdensome and expensive process and may force policy makers to abandon a worthy project rather than overcome those burdens. Thus, even marginal access improvements, that otherwise might be accomplished, will go undone.

**1102.2.2.2 Prohibited Reduction In Access.** The wording of this section can be misinterpreted such that it makes it illegal to remove or reduce access in the public right-of-way even if it is for health or safety reasons. The wording should be clarified as to intent and limitation of the provision. Crosswalk or crossing location removals may be necessary to meet specific objectives of the safety engineer.

**1102.3 Alternative Circulation Path.** Concur with this section but please see comments under section 1111.

**1102.14 On-Street Parking.** We *strongly* discourage establishing a minimum requirement for accessible parking along public streets. The guidelines should establish recommended minimum accessible parking standards for all parking demand and pass on implementation of these ratios to State and local jurisdictions in how best to achieve these desired results. Establishing a per block minimum will be problematic in implementation, costly in its application and could endanger accessible patrons as they attempt to negotiate limited cross sectional right-of-way. Even allowing the placement of these spaces near intersections is problematic in that this area is where most vehicles are making turning movements and where it has been historically identified as the place pedestrians are most likely to be struck. Similarly, mid block locations – even with additional turn out space – requires a wheelchair bound individual to come in contact with motor vehicles performing parallel parking maneuvers. This requirement needs to be fully discussed and these issues addressed prior to implementation.

**1103 Pedestrian Access Route.** It is unclear how to interpret the meaning of “Changes in level shall be separated horizontally 30 inches minimum.”

**1103.3 Clear Width** Public right-of-way should have the same minimum width (48” recommended, 36” minimum) as private property requirements. Regardless of the minimum width requirement, the guidelines **should not** prohibit the use of the top of curb width in meeting this calculation.

**1103.6 Surfaces.** Low impact, flush utility covers and other surface treatments that meet minimum vertical level change requirements should be allowed in the pedestrian access route.

**1104 Curb Ramps and Blended Transitions.** The wording seems to imply that ramps can only be parallel or perpendicular. Many times crosswalks are skewed and the allowance of a ramp parallel to the crosswalk (but not perpendicular to the road) might provide better direction.

**Sections 1104.2.1.1 & 1104.2.2.1** It is not obvious why there would be concern for specifying a minimum slope

**1104.2.2.4** it is unclear what a "barrier" entails.

**1104.3.2 Detectible Warnings** Because of many of the unintended negative consequences of detectible warnings many visually impaired individuals do not support the use of detectible warnings to demarcate entrance into the vehicle roadway. Therefore these devices should be used only where they are most efficient at accomplishing intended results. It is our contention that detectable warnings should only be required for ramps with slopes of 1:5 or less such as on blended transitions.

**1104.3.3 Surfaces.** Low impact, flush utility covers and other surface treatments that meet minimum vertical level change requirements should be allowed in these areas. Of particular need are traffic signal boxes, which are necessary near signal pole locations and often must be placed in the transition areas of the ramps.

**1104.36 Clear Space.** What is this "clear space"? Clear from what? Is it an intended landing area? If so, what are its requirements? In addition, on streets with no parking and vehicle lanes adjacent to the curb, the 48" area for perpendicular ramps, "outside of the vehicular travel lane" would require the streets to be widened by 4 feet. Is this the unintended consequence of this measure? If so, this provision will be "technically infeasible" the majority of the time. On streets with a bike lane or parking lane the clear area seems to be moot. So why is this provision even necessary?

### **Pedestrian Crossings**

**1105.2.2 Maximum Cross Slope.** The maximum cross slope of 1:48 will require "tables" at each intersection which will highly effect the ride-ability of vehicular traffic and may compound grade problems in mid-block sections of steep roadways. These grade breaks at steep intersections will be problematic and could be *unhealthful* for drivers with back problems and could, even designed correctly, cause visibility limitations for drives approaching the intersection.

The 1:20 maximum running slope as specified in 1105.2.3 will not work on higher speed roadways with "tee" intersections located on horizontal curves. The super elevation requirements of the through roadway may routinely be as much as 8% or 9%. To reduce this to 5% or less will potentially compromise the safety of the motoring public.

**Sec. 1105.3 Pedestrian Signal Phase Timing.** The requirements of 3 feet per second as the maximum walking time is ill conceived and will have the potential for significant unintended consequences. We adamantly oppose establishing pedestrian walking minimums of 3.0 feet per second. Most jurisdictions are now timing pedestrian clearance intervals based on the character of the intersection and appropriate recommended minimums established under the MUTCD. Professional judgment is critical in establishing the most appropriate signal timing for all users of an intersection. To overbalance this issue in favor of one particular group, particularly in cases where a demonstrated need does not occur, is short sighted and will lead to dire consequences. If there is a demonstrated need for longer clearance times, the jurisdiction

will accommodate that need. However, to mandate increased crossing time when there is not a demonstrated need will cause unnecessary vehicle delay, which can be directly related to increased accidents at intersections as well as amplified driver frustration.

This increased crossing time could be as much as a 20% increase in lost time for major movements of motor vehicle traffic on major flow streets. We can foresee a vicious cycle as a result of this requirement. Pedestrian crossing times are increased (even where they are not needed) the level of service of the intersection falls below jurisdictional thresholds because of the increased delay to motorists, and then the jurisdiction is faced with increasing the major street widths to accommodate additional through lanes to get vehicles through the intersection faster. The result: the street is widened, causing even further pedestrian crossing times...and we start all over again.

**This mandate clearly needs to be linked to a demonstrated need for each individual intersection and should be based upon professional judgment of the transportation engineer.** Our recommendation would be to require jurisdictions to develop pedestrian clearance timing in concert with the MUTCD, the disabled community, and based on the specific requirements of the each location and the professional judgment of the engineer.

**1105.5 Pedestrian Overpasses and Underpasses** Is it really the intention of the proposed rule to never build a pedestrian grade separation over 5 feet in height? This unfortunately will be the unintended consequence of the requirement for elevators on such structures. This requirement while well intended, as applied to the public right-of-way is ridiculous. Since this is a discretionary structure and there are very few areas that will have a ramped approach of less than 60" a jurisdiction will, in many cases, forgo the installation of the overpass rather than come up with the significant additional funds to construct and maintain an elevator. The primary driving factor of the facility is to provide maximum safety for all pedestrian users.

Similar to grades of streets, the grade of a pedestrian grade separation should be dictated by field conditions and access requirements the same. To establish elevator requirements on these facilities and not on other street grades is hypocritical and will encourage jurisdictions to violate the provisions to address community needs.

**1105.6 Roundabouts.** The requirements proposed in this section are ill conceived and not consistent with accessible pedestrian considerations in other areas. There will also be unintended consequences associated with these requirements if implemented.

**Section 1105.6.1** The requirement to install a continuous barrier is not consistent with other applications where pedestrians are prohibited, yet barriers are not required. The positive guidance approach is the best way to handle the concern of pedestrians wandering through the center of the roundabout.

**1105.6.2 Signals.** The requirement for signalization on every leg of every roundabout is not based upon real world conditions. Thousands of low-volume, neighborhood roundabouts are being built, many as traffic calming devices. To require signals is tremendously cost prohibitive and does not ensure additional safety benefits. An unintended consequence may be an explosion of drivers running the red light and increased driver apathy and disrespect for these signals. This

has been continually verified where unwarranted signals are installed and drivers perceive they are being stopped unnecessarily.

A fundamental concept for roundabout crosswalks is the designer must treat each crossing as a mid-block crosswalk, both in theory and in design. The access board discussion states, "Because crossing at a roundabout requires a pedestrian to visually select a safe gap between cars that may not stop, accessibility has been problematic." However, this same problem exists at every mid-block crosswalk. If there is a mandate to require signals here then the argument could be made that every crosswalk everywhere should be signalized. Obviously, this is a preposterous argument, but that is why we use engineering criteria and judgment – so that a rational balance of perspectives is maintained. Again, the user community has the ear of jurisdictions and specific needs for each crossing can easily be accommodated without the imposition of a far-reaching, harsh standard.

**1105.7 Turn Lanes at Intersections.** Again, this is a poorly conceived idea. There are literally thousands of existing "slip" lanes at un-signalized intersections and this design is continuing to be built and has been shown to increase pedestrian separation from motor vehicles. The imposition of a signal requirement would essentially eliminate slip lane design for un-signalized intersections because of the costs associated with its inclusion. This would have the unintended consequence of increased congestion, which would also increase intersection accidents. We believe a better solution would be to require jurisdictions, in consultation with the disabled community, to evaluate the signalization of slip lanes at signalized intersections.

**1106 Accessible Pedestrian Signal Systems.** We generally agree with the proposal to require pedestrian signal devices that provide better information and guidance for the pedestrian, even though there will be a slight increase in installation costs. However, there is a precision to the location dimensions that many times simply cannot be met. The "location" wording should be changed to communicate the concept as a guidance statement without making it a mandate.

**1106.4.2 Street Name.** The one area we would object to is the requirement "...of tactile and visual signs on the face of the device or its housing or mounting indicating crosswalk direction and the name of the street...". Tactile street name signs are not required at any other location and to require them on pedestrian crossing hardware changes these devices from "off the shelf" equipment to custom devices. This makes them almost impossible to effectively maintain.

**1108 Detectable Warning Surfaces.** We like that this area has been minimized to 24", however, we are still concerned about the complexity of removing snow and ice with the truncated domes which do not allow a snow shovel to effectively contact the entire surface area. Requiring these devices only on flat ramps (less than 1:15) would help minimize our concerns.

**1109 On-Street Parking.** Please see comments under section 1102.14 above. Again, we believe there was insufficient thought put into these proposals. The majority of block faces being built each year are in typical residential neighborhoods. To require an indented, signed, handicap space on every residential block face is surely not what the committee intended. We would suspect the concern is associated only with areas where there are parking meters or time limited parking, such as in business areas. This is the case in our jurisdiction. Minimum parking ratios should be developed and allow jurisdiction the best way to meet these objectives.

Secondly, in areas such as ours with very short block lengths, the requirement (one space per block face) will be viewed by both the public and our business community as being extremely excessive. We have many short block faces with four to eight spaces. Some have only commercial loading zones. To require an accessible space in these blocks is not only excessive but could be a safety issue for accessible users. Overall, if these requirements are imposed we will have a tremendously high percentage of handicap spaces.

**1109.2 Parallel Parking Spaces.** This requirement will have major private property ownership issues. The majority of parking is along residential streets. The requirement to provide a 60" access aisle is extremely burdensome and will also have significant unintended consequences that will restrict our ability to help the disabled community instead of accommodate our ability to help them. When a midblock private property owner wants to replace damaged sidewalk, do they lose 6' of their property because an accessible space **must** be provided, even though it may not be used? Is it fair to have this property owner shoulder the financial burden of this improvement that may not affect them personally? Is it fair to have the general public shoulder this burden, even though a need has not been demonstrated? Quite simply, that is a waste of taxpayer money or at a minimum, an un-funded mandate.

In the future, in order to install a handicap space we will have to propose a capital project to construct a five-foot indent aisle. This means projects will have to compete with other city projects for very limited funds and, even if funded, would have large time delays before completion. It also means we would be unable to respond to changing needs by moving a handicap space slightly. Once the space is installed we would lose our ability to quickly change locations to accommodate specific requests. Our recommendation would be to eliminate this requirement. It does not serve the best long-term interests of the disabled community.

Even placing the access space at the end of the block may be problematic in that high profile accessible vans can cause loss of intersection visibility, the space placement requires a wheelchair bound individual to ride with his back to a travel lane - where pedestrians are most prone to accidents, and the location may not accomplish the access levels envisioned by the proposed guidelines.

**Passenger Loading Zones.** (We had trouble correlating the section number with the discussion text and the sections) The discussion text states a 5' access aisle is required for each passenger loading zone (PLZ). Again, as stated above in the handicap signing discussion, this has the effect of limiting our ability to quickly install PLZ signing and if these requirements are adopted we will not install PLZs in the accommodating manner that we have historically done. Access aisles adjacent to PLZs should be eliminated as a mandated construction requirement.

**1111 Alt. Circulation Path:** The requirement to provide an alternate path is generally correct. However, the requirement of a path only on the same side of the street, with no provision for "reasonableness", is not feasible in many instances. The wording of the section does not differentiate where a detour can be used. Many times the scope of construction is such that no pedestrians can be accommodated and, in fact, the forcing of pedestrians into this type of area may create an intolerable safety hazard. Simply put, there are situations where pedestrians cannot or should not be accommodated and must be moved to the opposite side of the street or other detour route such as in the case of total street closures.

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Again, thank you for the opportunity to offer comment on these issues. The above comments and suggestions should not be viewed as objections to the concept of providing reasonable access for the disabled community nor our willingness to implement sound and well thought out requirements. We, as a small jurisdiction, have historically been and continue to be in support of reasonable accommodations within the right-of-way. We have been seeking direction for uniformity of devices and installation practices for years and see this document as another small step in providing direction for all members of the public on these issues. Our desire is to communicate potential pit-falls and unintended consequences associated with several of the proposed standards and our plea is for balance in the regulations. If you would like to discuss these issues, I can be reached at the following locations.

Sincerely,



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