

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

**AMERICANS WITH DISABILITIES ACT
UPDATED TRANSITION PLAN FOR PEDESTRIAN RAMPS
IN THE CITY OF NEW YORK**

July 6, 2023

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INTRODUCTION

The New York City Department of Transportation's ("DOT") mission is to provide for the safe, efficient, and environmentally responsible movement of people and goods throughout the City of New York ("City") and to maintain and enhance the transportation infrastructure crucial to the economic vitality and quality of life of our primary customers, City residents. To fulfill this mission, DOT considers the needs of all those who use the City's streets and sidewalks, including the nearly one million New Yorkers with disabilities. DOT's work to support this mission as well as its Vision Zero initiative introduced in 2014 is to design safer streets at the most dangerous intersections and corridors across the five boroughs. DOT designs these projects specifically to protect pedestrians, including those with disabilities.

DOT strives to make all its facilities, program, and services within this network accessible for all users. DOT hired its first Americans with Disabilities Act ("ADA") Coordinator in 2014, a position which, among other things, requires working closely with internal teams to address accessibility concerns so that DOT's many projects do not impose barriers to accessibility. This position also provides other benefits to the work DOT performs, by developing partnerships with stakeholders and disabled advocacy groups.

With the publication of this Updated Transition Plan, DOT provides the public with information related to its pedestrian ramp programming and construction throughout all five boroughs. This includes Citywide surveys to analyze the accessibility of pedestrian ramps, various means of constructing and maintaining pedestrian ramps, and providing public access to survey and construction data.

BACKGROUND

A. 2019 Pedestrian Ramp Settlement

In July of 2019, the City settled two class action lawsuits alleging violations of Title II of the ADA, mainly, that the City had failed to maintain pedestrian ramps in accordance with design and construction standards pursuant to applicable accessibility laws and regulations ("2019 Pedestrian Ramp Settlement"). As part of its many commitments pursuant to the settlement, DOT is enhancing its pedestrian ramp construction program through efforts such as multi-agency

coordination and training, creation of a new unit solely responsible for pedestrian ramp management, and regular reporting.

The full text of the 2019 Pedestrian Ramp Settlement can be found here <https://www.nycpedramps.info/sites/default/files/2019-07/Pedestrian%20Ramp%20Settlement%20Agreement--Final%20Approved%207-23-2019.pdf>.

B. NYCDOT's Transition Plan History and Overview

NYCDOT issued its initial ADA Transition Plan in 1994, called the “Transition Plan for Installation of Pedestrian Ramps on New York City Street Corners” (“1994 Transition Plan”), which described the City’s long-standing efforts to install pedestrian ramps at street crossings, including the creation of a Pedestrian Ramp Installation Program in 1984, predating the enactment of the ADA. At that time, the City planned for pedestrian ramp construction as part of capital reconstruction projects, resurfacing, and prioritized locations along mass transit routes and central business districts.

In 2002, NYCDOT amended the 1994 Transition Plan when it issued its “Curb Ramps - Amended Transition Plan” (“2002 Amended Transition Plan”). The 2002 Amended Transition Plan detailed how the City was enhancing its efforts to plan for pedestrian ramp construction. A newly formed agency, the New York City Department of Design and Construction (“DDC”) with authority to construct in the City’s roadways and sidewalks would be responsible for the procurement of contracts to install pedestrian ramps in a more targeted and efficient manner, often within a defined geographical location. The 2002 Amended Transition Plan also memorialized unprecedented funding for pedestrian ramp construction – an escalating amount which soon reached a commitment of \$20 million per year for the installation of pedestrian ramps at all corners citywide.

TRANSITION PLAN REQUIREMENTS

Title II of the ADA requires that state and local governments ensure that persons with disabilities have access to the pedestrian routes in the public right of way. Whenever streets or highways are newly constructed or altered, pedestrian ramps must be provided where street level

pedestrian walkways cross curbs. This requirement for public entities to provide accessible pedestrian ramps necessitates an evaluation of current conditions to determine where barriers exist.

As a means to this goal, the ADA mandates a self-evaluation of a public entity's facilities, services, and programs, followed by a plan on how to address those areas which are not compliant. Prior to the publication of any transition plan, a public entity is required to obtain public input from interested persons, including those with disabilities.

Specific to pedestrian ramps, Title II requires a public entity's transition plan to provide a schedule for constructing accessible pedestrian ramps. At a minimum, it must:

- Identify physical obstacles in the public entity's facilities that limit the accessibility of its program or activities to individuals with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- Indicate the official responsible for implementation of the plan.

See for reference, 28 CFR Section §35.150(d)

PEDESTRIAN RAMP PROGRAM

Pedestrian ramp construction in NYC is primarily accomplished through two means: in-house crew production with DOT field employees, and contractors through procurement and management by the DDC. In both instances, locations are assigned for construction by DOT following resurfacing operations, where a complaint is made, through priority-based work where possible, or when required under the ADA in conjunction with other alteration work. Assignments are either made for an installation of a pedestrian ramp or an upgrade of a pedestrian ramp. An installation refers to new construction of a pedestrian ramp at a corner or median where no pedestrian ramp previously existed. An upgrade refers to a repair, replacement, or other improvement to one or more elements of an existing pedestrian ramp which will bring the pedestrian ramp into compliance with the ADA.

Utilizing survey results, as detailed beginning on page eight of this Updated Transition Plan, coupled with a pre-inspection of the location, a classification is made as to whether the installation or upgrade of a pedestrian ramp at any particular location entails construction at a standard corner or a complex corner. A standard corner is referred to as a corner which does not require a unique design drawing. A complex corner is referred to as a corner which does require a unique design drawing due to an unusual site condition.

A DOT Associate Deputy Commissioner, who is a licensed engineer, manages DOT's Pedestrian Ramp Program ("PRP") unit through the programming and construction of accessible pedestrian ramps throughout the City. The PRP unit, created in 2018, is a unit within DOT's Division of Sidewalk and Inspection Management ("SIM"). The PRP unit is responsible for a multitude of tasks concerning pedestrian ramps, including, but not limited to: implementing Citywide pedestrian ramp surveys; managing pedestrian ramp construction work for all installations and upgrades, including monitoring third party construction; providing for a robust pedestrian ramp maintenance program, which involves pedestrian ramp work in connection with resurfacing and complaints, Street Improvement Projects, capital reconstruction and sidewalk defects; maintaining a reporting system tracking all such work; and assisting in finalizing an Updated Transition Plan for pedestrian ramps.

To accomplish its mission, the PRP unit hired approximately 24 employees, ranging from urban planners, engineers, architects, budget analysts, to project managers. They train and develop material for third party contractors and utility companies, as well as other City agencies whose work triggers pedestrian ramp construction. They create a standard design drawing for pedestrian ramp construction, assign locations to contracts and in-house crews, and have developed forms to ensure an objective assessment of pedestrian ramp measurements and compliance.

The PRP unit launched an accessible pedestrian ramp website which provides updated and detailed information about the program, including pedestrian ramp locations and assessments, construction progress, and contact information for complaints. Every six months a progress report is posted on the website which provides updated construction numbers in connection with resurfacing operations, complaints based work, prioritization if applicable, and other related information. The website can be found here: <https://www.nycpedramps.info/>.

PEDESTRIAN RAMP DATA COLLECTION & SELF-EVALUATION

A. Data Collection Methodology and Data

For the first time in the City's history, a survey providing a detailed inventory of all pedestrian ramps throughout all five boroughs was completed in October 2019 using high definition, street level imagery and mobile LiDAR technology. Car-mounted equipment collected terrain and image information on two or more recorded runs for the data collection.

The data identified all corners and medians which contain pedestrian ramps, and all corners and medians that do not contain pedestrian ramps. For corners containing pedestrian ramps, the following thirteen elements were measured, consistent with the ADA's standards: (i) curb reveal; (ii) pedestrian ramp running slope; (iii) detectable warning surfaces; (iv) gutter slope; (v) landing dimensions (including width and length); (vi) landing cross slope; (vii) roadway grade; (viii) ramp width; (ix) flare slope; (x) ramp length; (xi) ramp cross slope; (xii) presence of ponding; and (xiii) presence of obstruction.

At the completion of the initial survey in October 2019, DOT identified 217,678 ramps, all of which were initially assessed by DOT to determine their compliance with the ADA, its implementing regulations and technical requirements that are currently in effect. DOT plans on conducting two additional surveys for the purpose of identifying changed conditions from the previous survey. The second survey is anticipated to be completed by no later than June 30, 2033. The third survey is anticipated to be completed by no later than June 30, 2046.

B. Identification of Non-Compliant Pedestrian Ramps

For pedestrian ramps which were deemed to be in compliance with the ADA, DOT relied on the precise measurements extracted from the 2019 Citywide survey, and compared them to the applicable minimum design standards. The data collection was supplemented with work performed by two independent consultants divided in the following ways: one consultant team to perform quality assurance and quality control of the citywide data collected, and another consultant team to survey locations where ramps were blocked and/or could not be measured in the initial data collection.

For pedestrian ramps that were found to be non-compliant with the ADA, the following methodology was utilized. When analyzing data collected in the initial survey, DOT classified ramps as non-compliant if they failed on any of the 13 elements described above, with the exception of curb reveal. For those ramps that were partially surveyed due to blocked imagery or construction at the location during the time of the survey, DOT utilized a strict criteria such that if the ramp width requirement was not met or if there was no detectable warning surface present, the ramp was categorized as non-compliant and no additional survey was performed.

For each of those ramps that was identified as compliant, the location was sent to an independent consultant for additional verification to ensure that the level of accuracy in the initial data collection was maintained.

C. Survey Assessments

DOT analyzed its entire inventory of 217,678 ramps and placed them into one of three categories: (1) ramps that are in full compliance with the ADA; (2) ramps that are not in compliance with the ADA; and (3) ramps that need further technical review to determine whether or not they are in compliance.

Regarding category three, while these ramps were preliminarily analyzed, they require further analysis. The pending assessments may be due to existing site constraints where the current ramp exists and therefore require determinations as to technical infeasibility, as defined in the ADA. These constraints can include but are not limited to elements such as underground vaults, transit facilities, steep terrain conditions, and limited public right-of-way which are not readily apparent through the data and imagery previously collected. As such, the City was unable to make assessments based on the initial data alone, as it did with the non-compliant and compliant categories, because it requires an on-site review of any obstacles (which are in some instances underground) that may hinder construction of an otherwise compliant ramp.

The on-site analysis of these locations occurs when the street is resurfaced or another alteration triggers construction at the location. At that time individual ramps may be deemed compliant to the maximum extent feasible, may be categorized for construction through DOT in-house crews, or may be categorized as a complex corner, in which case they will be programmed

accordingly through the City’s procurement process. Programming of ramps for construction in this third category will be reflected in the Program Progress map on DOT’s website: <https://www.nycpedramps.info/program-progress>.

The initial assessment of the data collected was generated from LiDAR imagery captured between March 2017 and October 2018 and does not reflect the pedestrian ramps constructed after October 2018. Updates on DOT’s survey assessments can be found here: <https://www.nycpedramps.info/survey>.

PROGRAMMING OF PEDESTRIAN RAMP CONSTRUCTION

The schedule and completion dates of installations and upgrades of pedestrian ramps as detailed in the section below will be achieved by constructing ramps adjacent to resurfaced stretches of roadway, in response to a complaint, through priority-based work, or in conjunction with any other construction amounting to an “alteration” as defined in the ADA.

A. Resurfacing

In compliance with federal guidance and law, when streets are resurfaced, crews and contractors will install or upgrade adjacent pedestrian ramps, where needed. To accomplish this, in 2019, DOT realigned two of its major operations, so that pedestrian ramp construction now occurs in conjunction with the City’s milling and paving operations. Pedestrian ramps at standard corners will be assigned either to a contract managed by DDC, or to a DOT construction crew. Pedestrian ramps at complex corners will be assigned to the next available complex contract, also managed by DDC.

B. Complaint-Based Work

DOT enhanced its complaint procedures to provide for pedestrian ramp specific requests or complaints to be made through the City’s 311 system, by submission of an online form on DOT’s dedicated pedestrian ramp webpage <https://www.nycpedramps.info/>, by e-mailing DOT’s ADA Coordinator at accessibility@dot.nyc.gov, or by letter to Commissioner, NYC Department of Transportation 55 Water Street, 9th Floor, New York, NY 10041. In order to ensure accessibility, complaints are being routed to the correct agency or unit through the 311 system, and the City

added additional search terms in order to assist operators. Enhancements were also made to internal routing processes at DOT, such as standardizing receipt and acknowledgment responses to better track timing and resolution of complaints. Additionally, an entire DOT crew is now dedicated to making repairs to pedestrian ramps, where needed, in response to complaints. DOT also mounted an educational campaign to construction permit applicants and other third parties responsible for pedestrian ramp construction in order to provide clear guidance on providing temporary accessible routes around active construction sites.

Commencing March 15, 2019, DOT acknowledges receipt of each pedestrian ramp complaint or request within fifteen business days of receiving it and, if repairs are needed, provides an estimated temporary repair date, where possible. Where temporary repairs are feasible, they are provided within 45 days of receiving the complaint. DOT has established a dedicated work crew consisting of no less than five construction workers to address permanent repairs at standard corners. Permanent repairs required at complex corners will be assigned to contracts managed by DDC.

For complaints received prior to March 15, 2019, DOT is committed to completing permanent repairs at standard corners by the close of Fiscal Year 2025 as further explained beginning on page 13.

C. Prioritization Methodology

DOT created a prioritization methodology that evaluates existing pedestrian ramps and corners using a weighted scoring system. The results of this prioritization provides the roadmap for performing work at locations which are outside of resurfaced stretches or complaint locations and locations not within the scope of other alteration work.

This two-part weighted-scoring system consists of a condition score and geographic score. The condition score takes into account the thirteen physical characteristics of the existing ramp, which are detailed on page eight of this Updated Transition Plan, and how those characteristics affect the ramp's accessibility. The geographic score aids in the evaluation of ten demographic and geographic qualities of the area.

1. Condition Score:

Using the data collected from the City-wide survey in 2019, measurements for pedestrian ramp elements and obstacles surrounding pedestrian ramps were extracted. A typical ramp has thirteen scoring elements: (i) curb reveal; (ii) pedestrian ramp running slope; (iii) detectable warning surfaces; (iv) gutter slope; (v) landing dimensions (including width and length); (vi) landing cross slope; (vii) roadway grade; (viii) ramp width; (ix) flare slope; (x) ramp length; (xi) ramp cross slope; (xii) presence of ponding; and (xiii) presence of obstruction. A condition score is assigned utilizing weights and indicators that correspond to the condition of each element above. For more detailed information showing the weighted scores, please see Appendix A.

A low condition score represents pedestrian ramps in better accessibility condition (lower priority) and a high condition score represents pedestrian ramps in poorer accessibility condition (higher priority).

2. Geographic Score:

The geographic score utilizes geographic and demographic data to assign a value that most benefits the population in need of safe and accessible pedestrian ramps. A high geographic score represents areas with high levels of pedestrian activity, places of cultural and community interests, and access to transit. The following ten categories were used, with a focus on populations with ambulatory and visual disabilities: (i) facilities and program sites specialized for people with disabilities¹; (ii) ambulatory disability population; (iii) visual disability population; (iv) senior population; (v) facilities and program sites; (vi) transit facilities²; (vii) accessible subway facilities; (viii) transit volume; (iv) parks and open spaces; and (v) Vision Zero³ priority locations for pedestrians.

¹ This category includes facilities such as schools, daycares, libraries, public safety services, youth programs, community centers, and health clinics.

² This category includes MTA subway and bus stops, LIRR, Metro North, PATH, and ferry landings.

³ Vision Zero is the City's initiative to reduce traffic fatalities and injuries.

3. *Combined Condition and Geographic Scores:*

Condition scores and geographic scores were respectively grouped into Low, Medium, and High categories. The respective Low, Medium, and High groups correlate with priority and therefore a high geographic score and high condition score represent the highest priority.

For more detailed information showing the weighted scores, please see Appendix A.

D. Other Alterations

In addition to pedestrian ramps programmed for construction along resurfaced stretches, in connection to complaints, or through priority-based work, DOT also programs work whenever there are construction projects occurring on City streets or sidewalks that constitute an alteration under the ADA. For instance, when DOT plans street improvement projects, in-house crews will also construct pedestrian ramps where needed and within the scope of such projects. Additionally, when DOT receives notice of a defect, such as a crack on a portion of a sidewalk at the corner, DOT will inspect and plan for the construction of the pedestrian ramp.

PEDESTRIAN RAMP CONSTRUCTION SCHEDULE

In March 2020, the novel coronavirus known as COVID-19 was rapidly escalating throughout the City. Alarmed by the rate of infections, the state of New York and the City declared a public health emergency and the entire City was restricted to certain essential businesses and activities. As a direct result, from approximately March 2020 through May 2020, construction of pedestrian ramps stopped as a result of both contractor and DOT in-house crew operations shutting down. Beginning in May 2020, construction activities resumed incrementally with new health and safety measures, governed by city and state orders and guidance, implemented for worker protection. Notwithstanding these hardships, since July 1, 2017 and as of May 5, 2023 there have been a total of 2,724 corner installations, and 38,206 corner upgrades. Updated numbers on total constructed corners can be found at <https://www.nycpedramps.info> on either the Program Progress tab or Resources tab.

Additionally, the results of the 2019 initial survey showed additional unramped locations which were not previously identified. On December 15, 2021, referring to new information obtained from the survey and continuing impacts from the pandemic, the City posted an Updated Transition Plan on the DOT website, which included some longer pedestrian ramp construction completion dates than those set forth in the 2019 Pedestrian Ramp Settlement. However, those pedestrian ramp construction completion dates have not been agreed to by the Plaintiffs or submitted to the Court for approval. As required by the 2019 Pedestrian Ramp Settlement, the City and the Plaintiffs have been negotiating to determine whether they can agree upon adjusted pedestrian ramp construction completion dates. Adjustments to the pedestrian ramp construction completion dates, if agreed upon by the parties and/or approved by the Court, will be set forth in an updated Transition Plan.

PEDESTRIAN RAMP MAINTENANCE

Through the programming of pedestrian ramp installations and upgrades, DOT maintains its pedestrian ramps on an ongoing, indefinite, and regular basis in connection with its resurfacing program, complaints-based program, and as further detailed below, its Street Improvement Projects, Prior-Notice Work, Capital Reconstruction Projects, and Private Utility Coordination.

Additionally, other measures are provided for in consideration of maintaining safe and accessible pedestrian ramps.⁴

A. Street Improvement Projects

For street improvement projects which trigger ADA requirements, adjacent pedestrian ramps will be installed or upgraded, where required, within the scope of such projects. DOT also works to redesign streets through its Vision Zero initiative to enhance safety for all road users.

B. Prior-Notice Work

When DOT has written notice of a defect, such as a crack on a portion of a sidewalk at the corner, DOT's SIM Division will inspect and plan for the construction of the pedestrian ramp.

C. Capital Reconstruction

For any capital reconstruction project which triggers ADA requirements and are within the scope of the capital project, ramp installation and upgrades are included, where required. DDC manages the construction for these projects on behalf of DOT.

D. Third Party Coordination

DOT requires third parties such as developers, utility companies, and other state or city agencies, performing construction in the City to construct compliant pedestrian ramps within their project scope. All construction permits contain provisions requiring compliance with design and construction standards under the ADA. DOT evaluates compliance with its standard specifications for work performed and pursues any corrective action needed.

DOT also has a dedicated Pedestrian Ramp Enforcement Unit which oversees construction within the sidewalk corner quadrants, including the installation or upgrade of pedestrian ramps, completed by utility companies and private developers. Inspectors assess existing conditions and provide technical assistance to contractors before and during construction to ensure that they comply with applicable accessibility laws and guidelines.

⁴ The following categories in this section are included, in part, pursuant to the 2019 Pedestrian Ramp Settlement Agreement.

E. Other

1. *Detectable Warning Surfaces:*

DOT installs detectable warning surfaces where they are missing, cracked, or otherwise needed, each time it constructs pedestrian ramps. All detectable warning surfaces comply with the applicable provisions of the Public Right of Way Accessibility Guidelines.

2. *Ponding Conditions:*

Upon receiving notice of ponding conditions, DOT will make its best efforts to mitigate or resolve such conditions. Ponding conditions means unwanted pooling of water at the base of a pedestrian ramp where it meets the roadway for longer than 48 hours after rainfall.

3. *Standard Design Drawings:*

DOT has adopted standard design drawings for construction of a pedestrian ramp so that pedestrian ramps are built in compliance with the ADA. This allows for consistent application across the City. A copy of these drawings can be found at <https://www.nycpedramps.info/>.

RESPONSIBLE OFFICIAL FOR IMPLEMENTATION OF PLAN

DOT designates the Deputy Commissioner of the Sidewalk Inspection and Management Division as its responsible official for the implementation of this Updated Transition Plan for Pedestrian Ramps. This position is currently held by Leon Heyward.

PUBLIC INPUT

On October 30, 2021, DOT issued a statement of public notice in the City Record and its pedestrian ramp webpage informing the public that a draft of this Updated Transition Plan was available for review through November 15, 2021. On November 15, 2021 a remote public hearing was held. In addition to the remote public hearing, members of the public were able to submit their feedback through the City's 311 system and DOT's website. The Updated Transition Plan can be found here: <https://www.nycpedramps.info/>.