Americans with Disabilities Act: Action Plan 2022
Maricopa County Department of Transportation
January 2022

Publication available in alternative format upon request.
Please contact:
Reed Kempton
Senior Transportation Planner
Email: Reed.Kempton@Maricopa.gov
Phone: (602) 506-7742
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Executive Summary

Maricopa County Department of Transportation is responsible for more than 2,400 miles of roadway throughout unincorporated Maricopa County including facilities that accommodate travel for the disabled population. A 2017 inventory identified the following facilities in need of additional evaluation to determine compliance with the Americans with Disabilities Act of 1990 (ADA):

- 1,286 miles of sidewalk,
- 12,163 total existing curb ramps,
- 3,453 potential locations for new curb ramps,
- 6,556 driveways crossing sidewalks with vertical curbs, and
- 78 bus stops.

Since the 2017 inventory date MCDOT has newly constructed and/or upgraded multiple facilities. The following table provides information on MCDOT’s efforts to improve accessibility. The counts are from projects where MCDOT was the sole/primary/lead agency and may include facilities that will be or have been annexed by a city or town.

### MCDOT ADA Compliant Facilities Completed since 2017

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<thead>
<tr>
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<th>2021</th>
<th>Total</th>
</tr>
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The table below shows the percentage of MCDOT compliant curb ramps improving from 9.6 percent to 22.2 percent in four years. Ramps are retired from the MCDOT system when streets are annexed, single ramps are replaced with dual ramps, or unneeded ramps are removed.

### MCDOT Curb Ramp Status

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</tr>
<tr>
<td>Retired</td>
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MCDOT continues to work toward total ADA compliance within the constraints of funding availability by including ADA reviews on all roadway projects and programming specific projects to remove identified barriers.
Introduction

The core purpose of Maricopa County Department of Transportation (MCDOT) is to provide connections that improve people’s lives. The Americans with Disabilities Act (ADA) Transition Plan is intended to further this purpose by providing equivalent access to the maximum extent feasible for people with disabilities. The Plan accomplishes this by documenting improvement needs, outlining methods to address ADA issues, and creating a potential timeline for achieving compliance with the ADA. The Plan is a living document that will address, through annual updates, the ADA issues in MCDOT public rights-of-way that affect the accessibility of individuals with disabilities. The Plan meets all requirements for compliance with Title II of the ADA and shows innovative transportation planning, public participation processes, and an enhanced transportation facilities program at a regional level. An annual Action Plan updating MCDOT’s progress is submitted to Arizona Department of Transportation (ADOT) for approval. Additional updates and revisions to the document will be done annually unless otherwise advised by ADOT.

Purpose and Need

The ADA provides comprehensive civil rights protection to individuals with disabilities. The ADA is divided into five parts, covering the following areas:

- Title I: Employment
- Title II: Public Services and Transportation
- Title III: Public Accommodations and Services
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

Title II applies to state and local governments and protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by state and local governments, regardless of the government entities size or whether they receive Federal financial assistance.

As a requirement of Title II of the ADA, MCDOT is required to prepare a transition plan that:

- Identifies physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities
- Describes the methods used to make pedestrian facilities accessible,
- Outlines steps to meet compliance, and if the time period of the transition plan is longer than one year, identifies what will occur each year until compliance issues do not exist, and
- Identifies the public official responsible for the implementation of the Transition Plan.

In addition to what is included in the plan a public agency must:

- Establish a grievance procedure,
- Provide public notice about ADA requirements,
- Develop internal design standards, specifications, and details,
- Approve a plan and set milestones for addressing ADA issues,
- Establish a budget for the Transition Plan,
- Monitor the progress of plan implementation, and
- Provide an opportunity for interested parties to participate in the development and annual update of the plan by submitting comments.
ADA Guidance

The Department of Justice has amended the ADA regulations over time to address accessibility concerns that have arisen since 1991 and to be consistent with guidelines produced by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). Compliance with the most current standards, the 2010 ADA Standards for Accessible Design (2010 Standards) is required for new construction and any alterations to an element of the accessible route. The 2010 Standards include a safe harbor provision for existing facilities built or altered to be in compliance with the 1991 ADA Standards for Accessible Design (1991 Standards) prior to March 15, 2012. These facilities or elements are not required to be updated to reflect the incremental changes in the 2010 Standards solely because of an alteration to a primary function area that is served by that path of travel. This safe harbor provision allows balance between providing accessibility to facilities and the potential financial burden to undertake alterations subject to the current standards. The detectible warning requirement in the 1991 Standards was suspended during the period between May 12, 1994 and July 26, 1998 and from December 23, 1998 and July 26, 2001.

The table below address which standards, to date, a facility must be in accordance with.

<table>
<thead>
<tr>
<th>Construction/Alteration Dates</th>
<th>Applicable Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before September 15, 2010</td>
<td>1991 Standards or UFAS</td>
</tr>
<tr>
<td>September 15, 2010 to March 15, 2012</td>
<td>1991 Standards, UFAS, or 2010 Standards</td>
</tr>
<tr>
<td>On or after March 15, 2012</td>
<td>2010 Standards</td>
</tr>
</tbody>
</table>

The regulations and requirements for ADA incorporate and span many different types of facilities. This Plan addresses ADA compliance only for MCDOT public rights-of-way and does not include the rights-of-way owned and operated by incorporated cities and towns within Maricopa County.

The types of facilities that are addressed when evaluating for ADA compliance in MCDOT public rights-of-way include: sidewalks, pedestrian crossings, pedestrian signals, bus stop pads, curb ramps, driveway crossings, and rail crossings as part of sidewalks. Each feature has its own set of unique requirements for design in order to be ADA compliant. However, when addressing accessibility needs and requirements, it is important to note that Title II requirements do not supersede or preempt state or local laws that may offer equivalent or greater protections.

Exceptions

Curb ramps are an important part in making sidewalks, street crossings, and other pedestrian routes in the public right-of-way accessible to people with disabilities as they allow a safe transition from a roadway to a curbed sidewalk and vice versa. Curb ramps are required if the sidewalk is installed or altered at an intersection, during new construction, as a means of providing program accessibility, and as a reasonable modification. The ADA does not require installation of ramps or curb ramps in the absence of a pedestrian walkway. There is not an obligation to address existing obstacles on the adjacent sidewalk at the same time if an existing curb ramp is replaced as part of a resurfacing alteration.

When maintenance activities are undertaken, ADA facilities are not required to be brought into compliance with the current standards if they met the applicable standards at the time due to the safe harbor provision. However, if two or more maintenance treatments are used it may be considered an alteration. Resurfacing, as maintenance, may also be considered an alteration under ADA if it involves
work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling. If such resurfacing affects the crosswalk, even if it is not the full roadway width, then curb ramps must be provided at both ends of the crosswalk if there are none, if not included under the safe harbor exception above. If there is an insufficient amount of right-of-way to make the necessary ADA modifications during an alteration project, proper documentation of reasonable efforts to obtain access to the necessary right-of-way is required.

**ADA Program Information**

**ADA Title II Coordinator**

The ADA Title II Coordinator is the public official responsible for the coordination of efforts of the government entity to comply with the requirements of ADA and is responsible to investigate and respond to complaints filed by the public.

The following individual is the ADA Title II Coordinator for MCDOT:

Reed Kempton  
Senior Transportation Planner  
Maricopa County Department of Transportation  
2901 W. Durango Street  
Phoenix, AZ 85009  
(602) 506-7742  
Reed.Kempton@Maricopa.gov

In 2021, Michele Ross was designated the ADA Coordinator for Maricopa County.

Michele Ross  
Maricopa County ADA Coordinator  
301 W. Jefferson Street, 10th floor  
Phoenix, AZ 85030  
ADAhelp@Maricopa.gov  
602-506-0583

Michele’s appointment did not change Reed’s responsibilities at MCDOT.

**Policy and Procedures**

Currently MCDOT adheres to the 2010 ADA Standards for all new construction and alterations to existing public rights-of-way, as outlined in the MCDOT Roadway Design Manual, and designed in accordance with the MAG Uniform Standard Specifications and Details, and the MCDOT supplement to the MAG Standard Specifications and Details.

As new information becomes available, or ADA standards change, MCDOT will update policies and practices to incorporate the latest information and standards (see Appendix A.)

In February 2020, MCDOT developed a guidance document for project managers, consultants, designers, engineers, developers, and the public. The document identifies standards and references; defines new construction, alteration, and maintenance activities; specifies standard details; outlines paired curb ramp placement; clarifies multiple agency participation; describes constructions tolerances; and provides an exception process. These guidelines are attached as Appendix D.
Grievance Procedure

The Grievance Procedure, required by Title II of ADA, may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, or programs by MCDOT. Under the Grievance Procedure, MCDOT will act or respond to all complaints received. The Grievance Procedure and form is provided in Appendix B and is available for access through the MCDOT website or upon request in an alternative format.

Public Notice

An ADA Public Notice is a requirement and responsibility for state and local governments to provide information about the rights of the public under ADA. This is not a onetime requirement but an ongoing responsibility. The ADA Public Notice is provided in Appendix C and is available for access through the MCDOT website or upon request in an alternative format.

Communication

MCDOT provides Title II information, the ADA Transition Plan, ADA Title II Coordinator contact information, and the ability to provide feedback to the Plan and inventory on the MCDOT website. MCDOT will also provide annual updates to the inventory and a summary of the current status of the Plan each year.

MCDOT’s Compliance History

In 1994, MCDOT developed the Americans with Disabilities Act Transportation Facility Compliance Transition Plan. The objective was to identify the deficiencies of MCDOT facilities and set forth measures to correct them. A physical inventory of intersections within MCDOT jurisdiction without curb ramps was collected with the intent to install curb ramps on every corner of every intersection. Within this plan MCDOT also modified the design standards used for curb ramps to comply with the 1991 ADA Standards.

MCDOT evaluated the effectiveness of the 1994 Americans with Disabilities Transportation Facility Compliance Transition Plan in 2011 and prepared an ADA Transition Plan Guideline that provided some recommendations for when a full update was needed. The main recommendation made for the full update was to address multiple types of transportation facilities, not just curb ramps. These five facility types recommended to be included were: curb ramps, sidewalks, driveways, accessible pedestrian signals, and railroad at-grade crossings. In 2015, intersections from the original 1994 plan were reviewed to determine if they were still within MCDOT jurisdiction.

In 2017, MCDOT compiled a comprehensive inventory of facilities in the public rights-of-way under its jurisdiction. This process discovered a significant number of curb ramps, sidewalks, driveways, and other facilities that were not previously identified in the 1994 plan.

Since then, MCDOT has taken steps to make sure that every project is evaluated for ADA compliance and has programmed projects specifically to address accessibility issues.

Commitment

MCDOT has made ADA awareness and compliance an integral part of business. Each year, MCDOT updates its Transportation Improvement Program (TIP) to identify how transportation dollars will be invested over the next five fiscal years. The TIP contains system improvements that include new or improved roadways, bridges, drainage structures, intersection improvements, Intelligent Transportation Systems and more. The TIP allows MCDOT to plan for five years of future projects using the project development process (planning, scoping, design, and construction). The TIP is updated annually and approved by the Maricopa County Board of Supervisors. All TIP projects include an ADA compliance
element with necessary ADA improvements identified in the planning and scoping processes. Projects specifically addressing pedestrian accessibility issues are also included in the TIP as stand-alone projects.

The dissemination of information and requests for comments regarding possible accessibility issues were initially gathered in part through the 2018 Active Transportation Plan (ATP) public outreach. The public outreach conducted during the ATP process included public and stakeholder workshops, open house events, online outreach with an interactive map, and participation in regional community events. Additional public outreach was included with the 2021 Transportation System Plan 2040 (TSP 2040).

Both plans, supporting documents, and the ability to provide feedback during the drafting process were available for all persons through MCDOT’s website, as required by ADA, and all communication by MCDOT, where necessary, was provided in an effective way for individuals with disabilities to ensure an equal opportunity.

Implementation

An understanding of existing defects, public input and the prioritization of projects ultimately serves as the basis to identify and prioritize locations that require accessibility improvements.

Inventory

In 2017, MCDOT conducted a survey of owned and/or maintained public rights-of-way to evaluate current accessibility. Curb ramps, driveways, and sidewalks were observed through aerial imagery and assumptions were made to determine if these facilities or elements were compliant with the 2010 Standards. A Geographic Information System (GIS) program was used to collect this data, and hundreds of locations were field checked to ensure accuracy. The type of survey is called a windshield survey, a systematic observation, and is not specifically detailed.

The assumption made for curb ramps for the 2017 inventory was that if a highly visible, detectable warning was present at a curb ramp, the ramp had been reconstructed to adhere to the 2010 Standards. If the curb ramp lacked a detectable warning, was in significantly poor condition, or dimensions of the landing appeared to be less than four feet wide, they were identified as possibly being noncompliant with the requirements. The ramps that were identified as possibly not being built to the 2010 Standards based on the above assumptions will be further investigated to determine if the safe harbor provision applies.

The basis for sidewalk compliance identification was whether the sidewalk width met the current 2010 Standards and if there were obstructions along the accessible route reducing the sidewalk’s passable width.

Detailed data on bus stop accessibility was provided by the Valley Metro Transit Stop Inventory and Accessibility Study completed in June 2017.

Inventory Update: Cartegraph

For the past two years MCDOT has been implementing an asset management system in Cartegraph, a software designed to manage physical infrastructure assets. The MCDOT curb ramp inventory is updated as each construction project is completed, providing an up-to-date GIS based view of MCDOT facilities. Counts for other features are still based on an annual review of construction drawings. A current list of curb ramps that are not compliant, along with other items from the 2017 inventory, can be found in Appendix F.
Inventory Summary

The 2017 inventory identified facilities on MCDOT roadways and determined, of those, which may need further evaluation to determine potential accessibility issues:

- 1,286 total miles of sidewalk,
  - 1,029 miles of inadequate sidewalk width
  - 50 locations with identified obstructions in pedestrian way

- 12,163 total existing curb ramps,
  - 10,391 curb ramps without detectable warnings including:
    - 78 signalized intersections,
    - 70 traffic island curb ramps

- 3,453 potential locations for new curb ramps,

- 6,556 total driveways crossing sidewalks with vertical curbs
  - 3,353 potential cross slope issues

- 78 total bus stops
  - 73 possible accessibility issues at bus stops

The December 2021 Cartegraph report identified the following update for curb ramps:

- 12,690 total existing curb ramps
  - 2,813 compliant ramps (22.2 percent)
  - 9,877 not compliant ramps

Neighborhood Facilities Analysis

A Neighborhood Facilities Analysis Project (NFA), was started in 2018 to evaluate and prioritize the need for ADA facilities at the neighborhood level. MCDOT identified 213 neighborhoods in unincorporated Maricopa County for comprehensive analysis of pedestrian facilities. Using census data, the neighborhoods were ranked based on the percentage of homes with at least one disabled resident. The scores were grouped into six categories: 1 – 10 percent, 11 – 20 percent, 21 – 30 percent, 31 – 40 percent, 41 – 50 percent, and 51 percent and above. Twenty neighborhoods were in the highest category with 51 to 80 percent of their homes having at least one disabled resident. These high priority neighborhoods are in Sun City, Sun City West, and East Mesa.

This year, 2022, MCDOT is starting to identify neighborhoods for evaluation based on connectivity to schools, transit facilities, medical centers, and other destinations, in addition to disability percentages.

Since 2018, 15 neighborhoods have been studied. The goal for FY22 (7/1/2021 through 6/30/2022) is to complete five more NFAs.

An NFA includes a complete evaluation of pedestrian and bicycle features including detailed measurements of curb ramps. On the next page is a typical curb ramp detail sheet created for a curb ramp located in Sun City West as part of an NFA.
Methods for Compliance

There are multiple ways in which identified ADA issues in MCDOT public rights-of-way are mitigated and incorporated into projects. Improvements can be incorporated into roadway maintenance, roadway reconstruction, combined with bike and pedestrian projects, or as a standalone project.
In some areas it may not be feasible to achieve ADA compliance, either due to technical constraints or financial burden. If a project to eliminate the ADA accessibility issue is found to be infeasible, the ADA Coordinator will compile detailed documentation for reaching this conclusion. This documentation, required by ADA, will include the consideration of all resources available for use in the funding and operation of the service, program, or activity. If the project is not feasible, other remedial actions will be taken to provide the services to individuals with disabilities, whether through practical design improvements or design accommodations, to make sure that access in public rights-of-way is still provided.

Funding

MCDOT receives funding for the TIP from local, regional, state, and federal sources. The primary source of funding is the Highway User Revenue Fund (HURF). HURF is the distribution of the State of Arizona taxes for motor fuels and a variety of other fees and charges including gasoline and use fuel taxes, motor carrier taxes, vehicle license taxes, motor vehicle registration fees, and other miscellaneous fees. The second largest source of MCDOT funding is the Maricopa Association of Governments (MAG) Arterial Life Cycle Program (ALCP). MAG ALCP funding is for specific projects and includes regional funds and federal transportation funds.

Another source of TIP funding comes from local partnerships. MCDOT works cooperatively with the County’s 25 cities and towns as well as other stakeholders to meet the transportation needs of its residents. This includes entering into Intergovernmental Agreements to share costs and resources on joint roadway projects.

Schedule

All identified ADA barrier remediation cannot be funded for completion in one fiscal year. However, MCDOT is committed to continue improvements systematically over a multiyear period. When possible, upgrades to curb ramps, driveways, traffic signals, and narrow sidewalks are implemented in conjunction with programmed roadway maintenance and reconstruction projects. Accessibility issues will also be addressed through project recommendations identified in TSP 2040. As funding becomes available, remediation specific projects will be identified for programming and construction in the TIP. MCDOT identified a minimum annual funding level of $4 million dedicated to bringing pedestrian facilities into ADA compliance within ten years. Unfortunately, the reduction in revenue due to COVID-19 forced the delay of many important projects in the Transportation Improvement Program, including those focused on ADA improvements.
2021 Accomplishments Summary

Facilities

The following table shows MCDOT ADA facilities that have been newly constructed and/or upgraded since the 2017 inventory. These numbers are for projects where MCDOT was the sole/primary/lead agency. It may include facilities that will be or have been annexed by a city or town.

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NFA to Job Order Contract

When MCDOT began the NFA Program, the process was to evaluate all pedestrian facilities in a neighborhood, provide project recommendations, and package the recommended improvements into a project for scoping and design. MCDOT noticed that many of the curb ramps could be installed using a standard detail, suggesting that a Job Order Contractor (JOC) could be used for these ramps, skipping the scoping and design phases.

Recommendations from each NFA now include two groups of projects. The first group consists of curb ramps and 5x5 passing areas that do not need design and can be constructed using a JOC. The second includes facilities that need some level of site-specific design. The first group is packaged for construction via JOC and positioned to take advantage of close-out funds. This process enabled the construction of almost as many curb ramps in 2021 as were installed in 2018, 2019, and 2020 combined.
The Transportation System Plan (TSP) 2040 sets the framework of the future transportation system as population, development, technology, and other factors impact Maricopa County. The plan evaluates roadway needs, sets performance measures, and provides a clear vision through 2040. This plan represents a change in scope from a capacity-driven focus to a broader view that includes disabled and vulnerable users, pedestrians, bicyclists, emerging technologies, freight, and vehicles.

MCDOT's commitment to ADA compliance can be seen in TSP 2040. Two of the six performance measures include sidewalks and curb ramps. The target is to build 25 miles of new sidewalk and bring 50 percent of curb ramps into compliance by 2025.

**ADA Innovation**

During a routine MCDOT pavement rehabilitation project in Sun Lakes, it was discovered that the shared use paths in the neighborhood approached pedestrian crossings within the MCDOT right-of-way with rolled curbs instead of curb ramps. Installing a standard detail curb ramp in this situation was not feasible because our standard details are intended for six-inch vertical curbs. In the end a modified curb ramp was designed to connect the gutter pan to the shared use path. This innovative approach met ADA compliance.

*Access to pedestrian walkway in Sun Lakes.*
Programmed Projects

While many MCDOT projects include pedestrian facilities, the FY22-26 TIP Working Budget includes the following twelve projects which are specifically scoped to address pedestrian issues:

- Sun City West Units 35, 38A, 40
- Meeker Boulevard and Granite Valley Drive
- University Drive: Higley Road to Power Road
- Ellsworth Road and Pueblo
- ADA Improvement Package 1
- 111th Avenue: Peoria Avenue to Alabama Avenue sidewalks and bus pads
- Broadway Road Bridges at Tempe Canal
- Meeker Boulevard and Echo Mesa Drive
- Sun City A10-N83 & N84 ADA Ramps
- Sun City West A9-N36 & N37 Phase 1 ADA Ramps
- Sun City West A9-N36 & N37 Phase 2 ADA Ramps
- ADA Improvement Package 4
Appendix A: MCDOT ADA Policy
| Title: Americans with Disabilities Act Policy | Policy No.: T1302 |
| Purpose: To establish MCDOT policy supporting the Americans with Disability Act and associated accommodations. | Division: Transportation System Management |
| Authorized Signature: | Effective Date: December 27, 2017 |

Jennifer Tqbl, P.E.  
Transportation Director

A. Background:

This policy is developed to be in accordance with the requirements of the Americans with Disabilities Act (ADA). Maricopa County Department of Transportation (MCDOT) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

B. Policy:

1. Employment: MCDOT does not discriminate on the basis of disability in its hiring or employment practices. It also complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under the ADA and ADA Amendments Act.

2. Effective Communication: MCDOT will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities, so they can participate equally in MCDOT's programs, services, and activities. This includes qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

3. Modifications to Policies and Procedures: MCDOT will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities regulated by the ADA and ADA Amendments Act.

C. Supporting Information:

The Americans with Disabilities Act, and  
The ADA Amendments Act
Appendix B: Grievance Procedure and Form
Maricopa County Department of Transportation (MCDOT)
Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by MCDOT. The County's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

Reed Kempton
Senior Transportation Planner
Maricopa County Department of Transportation
2901 W Durango St. Phoenix, AZ 85009

Within 15 calendar days after receipt of the complaint, Reed Kempton or [his/her] designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Reed Kempton or [his/her] designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of MCDOT and offer options for substantive resolution of the complaint.

If the response by Reed Kempton or [his/her] designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the [County Manager/County Supervisor/ other appropriate high-level official] or [his/her] designee.

Within 15 calendar days after receipt of the appeal, the [County Manager/County Supervisor/ other appropriate high-level official] or [his/her] designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the [County Manager/County Supervisor/other appropriate high-level official] or [his/her] designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Reed Kempton or [his/her] designee, appeals to the County Engineer or [his/her] designee, and responses from these two offices will be retained by the MCDOT for at least three years.
ADA Complaint / Grievance Form

Complainant: __________________________________________
Person Preparing Complaint (If different from Complainant): ________________
Relationship to Complainant (If different from Complainant): __________________________
Street Address & Apartment Number: ______________________________
City: ____________________ State: __________ Zip: __________

Phone: _________ E-Mail: ________________________________

Please provide a complete description of the specific complaint or grievance:
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________

Please specify any location(s) related to the complaint or grievance (if applicable):
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________

Please state what you think should be done to resolve the complaint or grievance:
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________

Signature: ______________________________ Date: __________________

Return to:
Reed Kempton
Senior Transportation Planner
Maricopa County Department of Transportation,
2901 West Durango Street, Phoenix, AZ, 85009.

Upon request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact Reed Kempton at the address listed above, via telephone (602) 506-7742 or email, Reed.Kempton@Maricopa.gov.
Appendix C: ADA Public Notice
In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ('"ADA"'), the Maricopa County Department of Transportation (MCDOT) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: MCDOT does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: MCDOT will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in MCDOT programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: MCDOT will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in MCDOT offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of MCDOT, should contact the office of Reed Kempton at 602-506-7742 or by email at Reed.Kempton@Maricopa.gov as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require MCDOT to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of MCDOT is not accessible to persons with disabilities should be directed to Reed Kempton at 602-506-7742 or by email at Reed.Kempton@Maricopa.gov
MCDOT will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.
Appendix D: MCDOT ADA Compliance Guidelines
Guidelines to Implement the
Americans with Disabilities Act (ADA) of 1990

February 2020

Maricopa County Department of Transportation
2901 W. Durango Street
Phoenix, Arizona 85009
MCDOT ADA Compliance Guidelines

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Introduction

The core purpose of the Maricopa County Department of Transportation (MCDOT) is to provide connections that improve people’s lives. Compliance with the Americans with Disabilities Act (ADA) furthers this purpose by providing, to the maximum extent feasible, equitable access to and within MCDOT right-of-way for people with disabilities.

The purpose of this guide is to assist MCDOT staff, consultants, developers, and the public with understanding acceptable ADA design practices in MCDOT right-of-way.

Standards and References: Descriptions and Hierarchy

These guidelines were developed based on requirements described in the hierarchy of documents below. For an ADA concern within the right-of-way for which clear guidance is not provided by these Guidelines, the ADA coordinator or designee should be contacted.

- US Department of Justice 2010 Standards for Accessible Design (2010 Standards)
  - Title II of the 2010 Standards: State and Local Government Facilities
- FHWA Manual of Uniform Traffic Control Devices
- MCDOT Roadway Design Manual
- MCDOT Traffic Signal Design Manual
- MCDOT Traffic Signing Manual
- Maricopa County Supplement to the Maricopa Association of Governments (MAG) Standard Details
- MAG Standard Details

ADA Requirements

Compliance requirements vary depending on whether a project is considered new construction, alteration, or maintenance as outlined in the 2010 Standards. A description of each project type is provided below and additional information on the requirements for each type is provided in the following sections.

- **New construction** refers to site preparation for, and construction of, entirely new structures and/or significant extensions to existing structures.
- **Alteration** refers to a change in a facility that affects or could affect the usability of the facility.
- **Maintenance** refers to any activity that does not alter existing elements of the pedestrian pathway.

New Construction

All new construction, including construction of new sidewalks on existing roads, is subject to the 2010 Standards.

- All pedestrian facilities that are part of an intersection shall be made compliant even if road improvements include only a portion of the intersection.
- All corners of all intersections affected by a given project shall be made compliant.
- T-intersections should have at least two accessible crossings.
- Exceptions in new construction should be rare.
Alterations

Resurfacing of streets constitutes an alteration under the ADA and triggers the obligation to provide or upgrade curb ramps where pedestrian walkways intersect the resurfaced streets. Roadway improvements that trigger installation or upgrade of curb ramps include, but are not limited to, the following:

- Improvements to the geometry of the intersection, such as installation of new turn lanes or widening of existing lanes
- Signal improvements
- Grade elevation changes
- Crosswalk striping improvements
- Streetscape improvements
- Sidewalk improvements within the legal crosswalk
- Mill & Overlay
- Microsurfacing / Thin Lift Overlay (0.5 to 1.5 inches)
- In-place asphalt pavement recycling
- Open-graded surface course
- Cape Seals (chip seal covered with slurry seal)
- Addition of new layer of asphalt pavement
- Asphalt or concrete pavement rehabilitation

Maintenance

The following treatments are considered maintenance and trigger no obligation to provide or upgrade ADA accessible features:

- Spot patching and pothole repair
- Replacement of disturbed curbing
- Restriping of existing markings in place
- Chip sealing
- Thin coat sealing
- Crack sealing
- Trenching for underground utility construction
- Diamond grinding
- Spot friction treatments
- Joint repair
- Traffic signal timing adjustments

The combination of two or more maintenance treatments may rise to the level of being an alteration. In general, restriping of existing markings in conjunction with any other maintenance item does not constitute an alteration. Chip seals covered with another seal coat become a cape seal and are considered an alteration. Other combinations of treatments applied within one year should be evaluated for to determine if they are considered an alteration.

Multiple Agency Participation

In the occurrence that MCDOT does not control all of the public right-of-way required to provide
access for persons with disabilities, MCDOT will work jointly with all others with interests in the highway, street, or walkway to ensure that pedestrian access improvements occur at the same time as any alteration or new project. The ADA encourages this cooperation by making each of the public agencies involved responsible for compliance.

To ensure that pedestrian access improvements occur at the same time as any alteration or new project MCDOT will approach affected agencies to develop an Intergovernmental Agreement (IGA) identifying responsibility for project management, schedule, permitting, cost sharing, and other elements needed to complete the project.

**Standard Details**

The MCDOT standard details have been developed to ensure compliance with ADA requirements and shall be used where appropriate. The following list is provided for reference. MAG and other agency details not specifically listed below are not approved.

**Standard Details for New Construction:**

- MCDOT 2024: Single Curb Ramp Mid-block Residential Street w/4” Roll Curb
- MCDOT 2031-1: Radial Curb Ramps 30’ & 35’ Curb Returns
- MCDOT 2031-2: Radial Curb Ramps 30’ & 35’ Curb Returns
- MCDOT 2032: Radial Curb Ramps for Residential Intersections
- MCDOT 2033: Single Radial Curb Ramp at Sidewalk Transition
- MCDOT 2036: Return Type Driveways with Attached Sidewalk
- MAG 230: Sidewalks
- MAG 234: Curb Modification at Detectable Warning
- MAG 236-1: 25’ – 35’ R-Radial Curb Ramp Attached Sidewalk
- MAG 236-2: 35’ – 35’ R-Radial Curb Ramp Detached Sidewalk
- MAG 236-3: 20’ R-Radial Curb Ramp Attached Sidewalk
- MAG 236-4: 25’ 35’ R-Radial Combination Curb Ramp
- MAG 238-1: Perpendicular Curb Ramp
- MAG 238-2: Combination Curb Ramp (MAG 238-4 Single Curb Ramp Mid-Block Residential Street w/ 4” Roll Curb will be out Jan. 2020, it will replace MCOT 2024)
- MAG 250-1: Driveway Entrances with Detached Sidewalk
- MAG 250-2: Driveway Entrances with Sidewalk Attached to Curb
- MAG 260: Retrofit Driveway or Alley Entrance
- MAG 262: Wing Type Alley Entrance with Combined Curb and Gutter
- MAG 263: Wing Type Alley Entrance with Roll Type Curb and Gutter

**Standard Details for Alterations:**

- MCDOT 2022: Retrofit 20’Return w/Dual Combination Curb Ramps
- MCDOT 2023: Retrofit 20’ – 25’ Return w/Single Combination Curb Ramp
- MCDOT 2030-A: Sidewalk Ramp Retrofit – Method A
- MAG 236-5: 25’ – 35’ Radial Parallel Curb Ramp (Not allowed except for retrofit purposes. Use requires special approval from MCDOT)
- MAG 238-3: Parallel Curb Ramp (Not allowed except for retrofit purposes. Use requires special approval from MCDOT)
MAG 251: Return Type Driveways (Use is limited to industrial and commercial, not to be used for residential driveways)

**Note:** Any deviation from the standard details must be approved by MCDOT engineering staff in consultation with MCDOT planning staff.

**Paired Ramps**

The offset between paired ramps at unmarked crosswalks may be adjusted to improve alignment with the receiving ramp. The control points of paired ramps should be within five feet of each other, as shown in the figure below. The control point is the mid-point of the ramp at the face of curb. Paired ramps within marked crosswalks likely already have an acceptable offset.

![Maximum Curb Ramp Offset Diagram](image)

**Construction Tolerances**

The ADA allows a tolerance of 1/4-inch in 10 feet when evaluating existing facilities impacted by an alteration or maintenance project. This calculates to 0.2 percent. For example, if the cross slope of an
existing ramp was measured at 2.2 percent, the cross slope would be considered compliant because it is within the construction tolerance level. Any measurement greater than 2.2 percent would not be compliant. All newly constructed facilities should be compliant with the ADA, without reliance on the construction tolerance.

Exceptions to Requirements

MCDOT’s intent is for all facilities within the public right-of-way to meet all of the 2010 Standards described within this document. However, the ADA does include several specific exceptions described below.

Safe Harbor

The ADA includes a “safe harbor” provision, wherein public entities are not required to retrofit elements within a path of travel that were in compliance with the 1991 standards before March 15, 2012. This means that if an element existed and complied with the 1991 standards prior to March 15, 2012, no updates would be required to that element. For example, the 1991 standards required detectable warnings to be installed on curb ramps, which means that any existing ramps without detectable warnings would not fall within the safe harbor provision and must be updated. Safe harbor does not apply when a curb ramp or other feature is impacted by construction or alteration projects.

Technical Infeasibility

ADA compliance may be considered technically infeasible based on constraints imposed by existing conditions or if the required improvements would introduce a disproportionate cost to the project. If it appears as though a facility will not be brought into compliance due to technical infeasibility or disproportionate costs, the rationale for this exemption must be documented using the design exception process as follows:

A design exception shall be submitted in compliance with requirements of Chapter 1, Section 1.1 of the MCDOT Roadway Design Manual. The MCDOT ADA Coordinator or designee will be included in the review to determine if the requested exception meets the standard for technical infeasibility or disproportionate cost. A letter of decision for the design exception request will normally be provided within a three week time period. The exception shall be filed with the project documents.

Note: In situations where compliance is not feasible, the ADA requires that agencies conduct all work which is determined to be “technically feasible” given the constraints imposed by the existing conditions. Improvements should be made to ensure that the facility will be as close as possible to compliant.
Links

Standard Details

MCDOT Standard Details


MAG Standard Details

https://www.azmag.gov/Portals/0/Documents/MagContent/2019_Detail-Drawings-All-Bookmarked.pdf

ADA Construction Tolerances

https://www.access-board.gov/research/completed-research/dimensional-tolerances/introduction

ADA Standards

2010 ADA Standards for Accessible Design

https://www.ada.gov/2010AD Anastandards_index.htm

ADA Best Practices Tool Kit for State and Local Governments

https://www.ada.gov/pca toolkit/toolkitmain.htm

Chapter 6: Curb Ramps and Pedestrian Crossings

https://www.ada.gov/pca toolkit/chap6toolkit.htm
Appendix E: Sample GIS Map
Sample Map
ADA Compliance Improvements in Sun City Neighborhoods

Curb Ramps
- Green: Compliant
- Red: Not Compliant

- Blue: MCDOT Roads
- Light Blue: Neighborhood

2017

2021
Appendix F: Inventory