

# SIDEWALKS

A Civil Right

# DEDICATED TO BOBBY CROMPTON



# WHAT IS A SIDEWALK ?

**A conduit for pedestrian movement and access.**



# WHY SIDEWALKS

- 1. Connectivity to community
- 2. Connectivity to businesses and jobs
- 3. Connectivity to vital needs such as medical.
- 4. Connectivity to education.
- 5. Connectivity to emergency management and relief
- 6. Connectivity to recreation, walking, exercise.
- 7. CAN YOU THINK OF OTHER USES?

# **SIDEWALKS AND CIVIL RIGHTS**

## **Americans with Disabilities Act Title II**

**Passed 1990**

Applies to states and local governments and any program, whether public or private, that receives state or local government funds. Programs must be **USEABLE** by people with disabilities.

Operative word – **USEABLE** as in **USE –ABLE**. Able to use.



# TITLE II ADA

## **§ 35.130 General prohibitions against discrimination**

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

# SIDEWALKS AND CIVIL RIGHTS

## **504 of the Rehabilitation Act Of 1973**

- Applies to all public and private recipients of federal funds, whether a governmental entity or a private for profit or non-profit entity. Programs must be **USEABLE** by people with disabilities.

# SIDEWALKS AND CIVIL RIGHTS

- Florida Constitution Article I
- **SECTION 2. Basic rights.**—All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. **No person shall be deprived of any right because of race, religion, national origin, or physical disability.**
- Persons with physical disabilities are a protected class under our state constitution.



# SIDEWALKS AND CIVIL RIGHTS

- **Accessible Design Standards**
  - a. Federal Highway Administration.
  - b. United States Access Board
  - c. Florida Department of Transportation
  - d. Florida Building Code Standards for Accessible Design 2012.

# **SIDEWALKS AND CIVIL RIGHTS**

- **INTERPRETATION**

- **1. Federal and state courts have consistently ruled that sidewalks are a service or program of governmental entities and therefore are covered by both the ADA and 504 of the Rehabilitation Act.**
- **2. The US Justice Department has ruled that when streets are resurfaced or otherwise repaired this triggers the requirement for curb cuts and other improvements to sidewalks to make them useable by people with disabilities and compliant with the ADA and 504.**

# **SIDEWALKS AND CIVIL RIGHTS**

- **Enforcement**

- **Florida Department of Transportation**
- **Federal Highway Administration**
- **Federal Courts – federal laws and state laws when there is a federal cause of action.**
- **State Courts – state laws, but not federal laws.**
- **Note: Other agencies and offices of contract compliance.**

# SIDEWALKS UN-USEABLE





# UN-USE-ABLE





# UN-USE-ABLE



**Sidewalk disconnected, broken, vegetation**



# UN-USE-ABLE



# UN-USE-ABLE





# UN-USE-ABLE



Broken, slanted obstructions



Broken, over ground with vegetation



# UN-USE-ABLE



No curb cut, broken, overgrown



Water pools at curb cut, debris



# UN-USE-ABLE



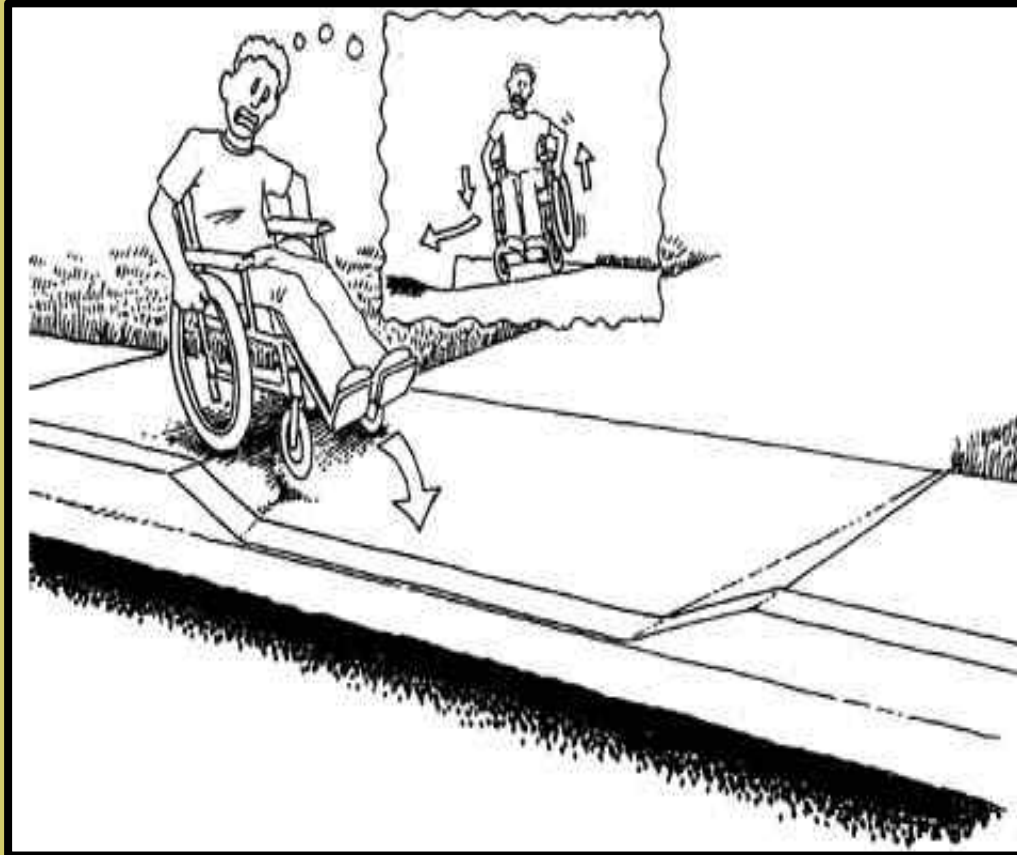


# UN –USE-ABLE





# UN-USE-ABLE



Wrong curb cut

# UN-USE-ABLE





# UN-USE-ABLE





# UN-USE-ABLE





# NO ACCESSIBLE ROUTE TO SCHOOLS





# NO ACCESSIBLE ROUTE TO SCHOOL





## RESOURCES FOR SIDEWALK DESIGN

- Federal Highway Administration:  
[https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/publications/sidewalks/cap4a.cfm](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalks/cap4a.cfm)
- Florida Department of Transportation:  
[ADA-QA.pdf \(fdot.gov\)](#)
- United States Access Board:  
<https://www.access-board.gov/prowag/>
- **2012 Florida Accessibility Code:**  
[http://www.floridabuilding.org/fbc/committees/accessibility/aac/Changes\\_to\\_Law/2012\\_Florida\\_Accessibility\\_Code\\_Final%20.pdf](http://www.floridabuilding.org/fbc/committees/accessibility/aac/Changes_to_Law/2012_Florida_Accessibility_Code_Final%20.pdf)

# FEDERAL COURT CASES

- Federal Law Suits Settled or Pending over  
ADA sidewalk violations:
- **Seattle, Philadelphia, New York City, New Orleans, San Francisco, Los Angeles, Tilton New Hampshire, Sacramento, Arlington, Texas:**
- **Los Angeles agreed to a 1.3 billion dollar settlement over 30 years. This cases and others should send a clear message to states, cities, and municipalizes that the courts intend that the civil rights of people with disabilities will not be violated due to violations of sidewalk accessibility.**

## ADA SIDEWALK PRIORITIZATION

**Walkable City Rules 101 to Making Better Places: by Jeff Speck**

**“ADA Compliance:** The walkable city is the rollable city, and when a city works well for people in wheelchairs, it works well for everyone.....Particularly as our population ages, cities that wish to be walkable need to place a higher priority on meeting their ADA obligations.” p. 191

# **SIDEWALKS – A CIVIL RIGHT**

Sherri Myers