



ADA COMPLIANCE

Sustainable Frameworks for Equitable Communities



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Community leaders have a great interest in how the most vulnerable members of their community are treated.

When it comes to how communities implement policies meant to equalize access for the physically impaired, communities from small towns like Woodstock, NY to big cities like Los Angeles, CA all look towards the American Disabilities Act (“ADA”) for guidance.

With accompanying rules and regulations which cover accessible public right of ways, doorway dimensions and ramps for wheelchair usage, braille translations for public notices and records, and non-discrimination compliance for all official communications and job descriptions, the scope of the ADA is quite expansive.

Concurrently, Congress and the Department of Transportation look to the mandates of the ADA when evaluating whether a state, city, town, county, or private entity is entitled to, or otherwise deserving of, federal funds to supplement compliance efforts.

For example, year-to-year federal funding may depend upon the maintenance and performance of a locality’s ability to provide transportation services for those whose disabilities prevent them from access to regular, fixed-route transit services. The development and implementation of a regional paratransit plan — a public service that provides door-to-door transportation for those who are physically unable to safely utilize common carrier transportation services — is crucial to not only the sustainable framework of a community, but also to the preservation of federal funding opportunities.

When the ADA was first enacted in 1990, matters such as these paratransit services were contemplated. However, other accessibility matters developed in real time with the advent of new digital technologies.

Chief among these more modern digital accessibility problems are those posed by a 1998 amendment (“Section 508”) to the Rehabilitation Act of 1973 which requires the Federal government to make all electronic communications accessible to citizens nationwide. This accessibility requirement extends to the ADA’s protections for visually or hearing-impaired citizens’ ability to participate in the political process by requiring a suite of additional technologies.

Despite the fact that this provision was primarily aimed at the Federal government, the most common defendants in Section 508 litigation are state, local, and private entities.

Section 508 lawsuits for failure to provide a full range of communicative technologies are on the rise. In 2022 alone, over 3,250 Section 508 lawsuits were filed in federal court — a 12.5% increase from the preceding year. And as new Virtual Reality technologies are rolled into the public engagement offered by these entities, their Section 508 compliance requirements will continue to be tested by litigation.

Similarly, lawsuits under Section 504 of the Rehabilitation Act for failure to maintain accessible public right of ways and corridor plans are ever-present in metropolitan areas, big and small.

Whereas compliant corridor plans which adhere to the ADA’s height, width, surface texture, slope, head room, passing space, and general location regulations apply to indoor transit areas such as halls, aisles, tunnels, and

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skywalks, they also benefit from cohesion with general public right of ways. The creation, enactment, and maintenance of sustainable mobility plans is no easy task, but one that the public transportation experts at Indelible can guide you through.

When the application cycle for federal transportation funding is more competitive than ever, shoring up these increasingly prevalent litigation risks is paramount to not only remaining maximally compliant, but also towards providing a truly equitable community environment. Indelible is here to help.

From ADA-preferred paratransit plans to the cutting edge of Section 508 compliance and everything in between, the public policy, transportation, and technology experts at Indelible will guide you in the creation and maintenance of these sustainable frameworks to maximize funding opportunities, minimize risk, and get even closer to achieving equal access for all.

As American communities continue to build transportation and communication infrastructures which provide accessibility for all — Indelible will be there to ensure self-sustaining frameworks for compliance.



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