



AGENDA ITEM SUMMARY FORM

MEETING DATE: 9/13/2022

PREPARED BY: Megan Mainer, Director of Parks & Recreation

AGENDA CONTENT: Discussion and possible action to adopt Public Rights-of-way Accessibility Guidelines (PROWAG) as an Angleton design standard.

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT: \$0.00

FUNDS REQUESTED: \$0.00

FUND: NA

EXECUTIVE SUMMARY:

The Architectural and Transportation Barriers Compliance Board proposed accessibility guidelines for the design, construction, and alteration of pedestrian facilities in the public right-of-way. The guidelines ensure that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way by state and local governments are readily accessible to and usable by pedestrians with disabilities. The current version of the "Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way" was published in the *Federal Register* on July 26, 2011, 36 CFR Part 1190, Docket No. ATBCB 2011-04. A correction was made on July 28, 2011 and on February 13, 2013, ATBCB-2013-0002-0001, the Access Board issued a notice to supplement the proposed guidelines for public rights-of-way to address shared use paths.

The Texas Department of Transportation (TxDOT) has adopted Public Rights-of-way Accessibility Guidelines (PROWAG) and incorporated the guidelines into design standards for pedestrian facilities. The Manual on Uniform Traffic Control Devices (MUTCD) is also incorporated by reference within PROWAG. It is recommended that the City of Angleton adopt PROWAG so that it becomes an enforceable document for all City projects within the public rights-of-way, regardless of its adoption status at the state and federal level.

PROWAG guidelines address various issues, including access for blind pedestrians at street crossings, wheelchair access to on-street parking, and various constraints posed by space limitations, roadway design practices, slope, and terrain. The new guidelines will cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way. The U.S. Access Board aims to ensure that access for persons with disabilities is provided wherever a pedestrian way is newly

built or altered, and that the same degree of convenience, connection, and safety afforded the public generally is available to pedestrians with disabilities. Once these guidelines are adopted by the Department of Justice, they will become enforceable standards under Title II of the ADA. However, in a memorandum dated January 23, 2006 from the Federal Highway Administration, the draft PROWAG is the recommended best practice and can be considered the state of the practice that could be followed for areas not fully addressed by the 2010 ADA Standards.

In the state of Texas, the Texas Administrative Code (TAC) Chapter 68 (Elimination of Architectural Barriers), Rule §68.102 (Public Right-of-Ways Projects) references compliance with the latest version of PROWAG for elimination of barriers for public rights-of-way projects. The Texas Department of Licensing and Regulation (TDLR) adopted Rule §68.102, effective May 15, 2017. The applicable section of the rule states:

- (a) For public right-of-way projects, in addition to accepting compliance with applicable TAS requirements, the department will also accept compliance with the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, published by the Architectural and Transportation Compliance Board (Access Board) on July 26, 2011, 36 CFR Part 1190 or its final adopted guidelines.*

RECOMMENDATION:

Staff recommends City Council adopt Public Rights-of-way Accessibility Guidelines (PROWAG) as an Angleton design standard.

RECOMMENDED MOTION:

I recommend we adopt Public Rights-of-way Accessibility Guidelines (PROWAG) as an Angleton design standard.