

**290-RICR-30-00-2**

## **TITLE 290 - DEPARTMENT OF TRANSPORTATION**

### **CHAPTER 30 - BUSINESS, PROPERTY OWNERS, AND THE PUBLIC**

#### **SUBCHAPTER 00 - N/A**

PART 2 - Rules and Regulations Regarding the Accessibility of Sidewalks for People who are Disabled

#### **2.1 Authority**

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws § 42-13-1, which relate to Powers of the Director of the Department of Transportation, and in accordance with R.I. Gen. Laws Chapter 42-35, Administrative Procedures, as amended.

#### **2.2 Purpose**

The purpose of these Rules and Regulations is to establish standards for the construction and maintenance of sidewalks and curbs which will make sidewalks abutting public highways more easily accessible to people who are disabled and in conformance with Title II of the Americans With Disabilities Act of 1990 (ADA) and its implementing regulations, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (28 C.F.R. Part 36) Section 504 of the Rehabilitation Act of 1973, as applicable, the ADA Amendments Act of 2008 and the State Building Code (2010) by reference and only to the extent that the provisions therein are not inconsistent with these regulations. Nothing in these Regulations shall be construed to enlarge the responsibility of the State of Rhode Island regarding the construction and maintenance of sidewalks which is currently set forth in R.I. Gen. Laws Chapters 24-5 and 24-8.

#### **2.3 Incorporated Materials**

- A. These regulations hereby adopt and incorporate the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG), 28 C.F.R. § 36 (2017), by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- B. These regulations hereby adopt and incorporate the Public Rights-of-Way Accessibility Guidelines (PROWAG) (2011) by reference, not including any

further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

## **2.4 Accessibility Standards**

- A. In addition to the specifications found in R.I. Gen. Laws Chapter 24-8, sidewalks and curbs hereinafter constructed or altered in a manner that affects their usability, shall conform to the Americans With Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (28 C.F.R. § 36, Appendix A) and the State Building Code.
- B. Once constructed, said curbs and sidewalks shall be maintained to the maximum extent feasible by city or town in which they are located in a manner accessible and usable by people who are disabled, including removal of snow, ice or sand. This Section does not prohibit isolated or temporary interruptions in access due to maintenance or repair, provided that alternative pedestrian access is provided.

## **2.5 Violations**

A complaint for violation of these Rules and Regulations may be filed with the Rhode Island Department of Transportation's ADA Coordinator in accordance with the ADA Complaint Procedure located on the RIDOT website at <http://www.dot.state.ri.gov> under the heading "Doing Business with Us", and the subheading of "Civil Rights".

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Type of Filing: Amendment

Effective Date: 05/28/2018

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