



# ADA CONDITIONS ASSESSMENT FOR PROPOSED STATION SITES

DART D2 SUBWAY: CENTRAL BUSINESS DISTRICT (CBD) SECOND  
LIGHT RAIL ALIGNMENT

DRAFT

CITY OF DALLAS CBD  
March 6, 2020



This Report was Prepared for DART  
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# 1 INTRODUCTION

The report outlines the sites assessment performed on January 16, 2020. The report identifies existing conditions that may not comply with ADA requirements. The reviewed items include: locations of curb ramps relative to future stations; non-compliant cross slopes for sidewalks; walkways and accessible routes; locations of existing accessible route obstructions or potential tripping hazards with elevation change; potential exit/entrances to vertical transportation alternatives for below grade station locations, etc. The report is based on the requirements of the 2012 Texas Accessibility Standards and the 2010 ADA Standards.

## 2 PRIORITY LEVELS

In this report there are several items that need to be corrected either because they don't meet the 1991 ADAAG or the 2010 ADA Standards and the 2012 TAS. Below are the priority levels that will assist in determining what is required to be done first and what can wait.

### 2.1 Priority 1

This violation was cited by either TDLR or FTA and should be corrected per the 2010 ADA and 2012 TAS requirements.

### 2.2 Priority 2

This violation must be corrected per the 2010 ADA and the 2014 TAS because it does not meet the 1991 Guidelines or the 1994 Texas Accessibility Standards. In addition, each violation is organized as follows (A being the most important).

2A. Accessible Route

2B. Accessible Entrance

2C. Accessible Toilet Rooms

2D. Accessible Drinking Fountains

2E. Accessible Telephones/ Communication elements

2F. Accessible Parking Spaces

2G. Other Accessible Elements

The priority number followed by a letter corresponds to the priority levels above. For example, if an accessible route is not compliant the priority will be 2A, if the entrance is not accessible it will be priority 2B. Priority Level 2A is higher in priority than 2B.



## 2.3 Priority 3

This violation must be corrected as it is readily achievable because it does not meet the 2010 ADA Standards and is not a safe harbor because they were not scoped in the 1991 ADAAG. A plan of action of when these will be corrected should become part of the District's record.

## 2.4 Priority 4

This violation does not require action at this time because it is a safe harbor. If the element is altered, then it must be installed per the 2010 Standard.

# 3 DEFINITIONS

Some definitions that will make this report more clear are as follows:

**106.5.2 Accessible Means of Egress.** A continuous and unobstructed way of egress travel from any point in a building or facility that provides an accessible route to an area of refuge, a horizontal exit, or a public way.

**106.5.5 Alteration.** A change to a building or facility that affects or could affect the usability of the building or facility or portion thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

**106.5.19 Circulation Path.** An exterior or interior way of passage provided for pedestrian travel, including but not limited to, walks, hallways, courtyards, elevators, platform lifts, ramps, stairways, and landings.

**106.5.21 Common Use.** Interior or exterior circulation paths, rooms, spaces, or elements that are not for public use and are made available for the shared use of two or more people.

**106.5.22 Cross Slope.** The slope that is perpendicular to the direction of travel (see running slope).

**106.5.23 Curb Ramp.** A short ramp cutting through a curb or built up to it.

**106.5.29 Entrance.** Any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibule if provided, the entry door or gate, and the hardware of the entry door or gate.

**106.5.36 Marked Crossing.** A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

**106.5.37 Maximum Extent Feasible.** Applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

All determinations of maximum extent feasible are made by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.

**106.5.41 Path of Travel.** A continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements. The term "path of travel" also includes the restrooms, telephones, and drinking fountains serving the altered area.

The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking. If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate. Also see definition of "Disproportionality".

**106.5.53 Ramp.** A walking surface that has a running slope steeper than 1:20.

**106.5.56 Running Slope.** The slope that is parallel to the direction of travel (see cross slope).

**106.5.57 Safe Harbor.** Elements of a path of travel at a subject building or facility that have been previously constructed or altered in accordance with the April 1, 1994 Texas Accessibility Standards (TAS) are not required to be retrofitted to reflect the incremental changes in the 2012 TAS solely because of an alteration to a primary function area served by that path of travel. Those elements would be subject to compliance with the 2012 TAS only when the elements of a path of travel are being altered.

## 4 MINIMUM REQUIREMENTS

### 202 Existing Buildings and Facilities

**202.1 General.** Additions and alterations to existing buildings or facilities shall comply with 202.

**202.2 Additions.** Each addition to an existing building or facility shall comply with the requirements for new construction. Each addition that affects or could affect the usability of or access to an area containing a primary function shall comply with 202.4.

**202.3 Alterations.** Where existing elements, spaces, or common use areas are altered, each altered element, space, or common use area shall comply with the applicable requirements of Chapter 2.

#### EXCEPTIONS:

1. Unless required by 202.4, where elements or spaces are altered and the circulation path to the altered element or space is not altered, an accessible route shall not be required.

2. In alterations, where compliance with applicable requirements is technically infeasible, the alteration shall comply with the requirements to the maximum extent feasible. For purposes of ensuring compliance with Texas Government Code, Chapter 469, all determinations of technical infeasibility and maximum extent feasible are made by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.

3. Residential dwelling units not required to be accessible in compliance with a standard issued pursuant to Texas Government Code, Chapter 469, shall not be required to comply with 202.3.

**202.3.1 Prohibited Reduction in Access.** An alteration that decreases or has the effect of decreasing the accessibility of a building or facility below the requirements for new construction at the time of the alteration is prohibited.

**Advisory 202.3 Alterations.** Although covered entities are permitted to limit the scope of an alteration to individual elements, the alteration of multiple elements within a room or space may provide a cost-effective opportunity to make the entire room or space accessible. Any elements or spaces of the building or facility that are required to comply with these requirements must be made accessible within the scope of the alteration, to the maximum extent feasible. If providing accessibility in compliance with these requirements for people with one type of disability (e.g., people who use wheelchairs) is not feasible, accessibility must still be provided in compliance with the requirements for people with other types of disabilities (e.g., people who have hearing impairments or who have vision impairments) to the extent that such accessibility is feasible.

**202.3.2 Extent of Application.** An alteration of an existing element, space, or area of a building or facility shall not impose a requirement for accessibility greater than required for new construction.

**202.4 Alterations Affecting Primary Function Areas.** In addition to the requirements of 202.3, an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area, including the parking areas, rest rooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope. For purposes of ensuring compliance with requirements of Texas Government Code, Chapter 469, all determinations of maximum extent feasible and disproportionality are made by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code. If elements of a path of travel at a subject building or facility that have been previously constructed or altered in accordance with the April 1, 1994 Texas Accessibility Standards (TAS) they will enjoy safe harbor and are not required to be retrofitted to reflect the incremental changes in the 2012 TAS solely because of an alteration to a primary function area served by that path of travel. Those elements would be subject to compliance with the 2012 TAS only when the elements of a path of travel are being altered.

**EXCEPTIONS:**

1. Residential dwelling units shall not be required to comply with 202.4.
2. If a tenant is making alterations as defined in 106.5.5 that would trigger the requirements of this section, those alterations by the tenant in areas that only the tenant occupies do not trigger a path of travel obligation upon the landlord with respect to areas of the facility under the landlord's authority, if those areas are not otherwise being altered.

**Advisory 202.4 Alterations Affecting Primary Function Areas.** An area of a building or facility containing a major activity for which the building or facility is intended is a primary function area. There can be multiple areas containing a primary function in a single building. Primary function areas are not limited to public use areas. For example, both a bank lobby and the bank's employee areas such as the teller areas and walk-in safe are primary function areas. Also, mixed use facilities may include numerous primary function areas for each use. Areas containing a primary function do not include: mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, or restrooms. Additional information about primary function areas is provided in 106.5.45.

Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order:

- (i) An accessible entrance;
- (ii) An accessible route to the altered area;
- (iii) At least one accessible restroom for each sex or a single unisex restroom;
- (iv) Accessible telephones
- (v) Accessible drinking fountains; and
- (vi) When possible, additional accessible elements such as parking, storage, and alarms.

Additional information about disproportionality and path of travel and is provided in 106.5.25 and 106.5.41.

**202.5 Alterations to Qualified Historic Buildings and Facilities.** Alterations to a qualified historic building or facility shall comply with 202.3 and 202.4. Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places or are designated as a Recorded Texas Historic Landmark or State Archeological Landmark shall comply to the maximum extent feasible with this part. If it is determined that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or the facility, alternative methods of access shall be provided pursuant to these requirements.

**EXCEPTION:** Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the requirements for accessible routes, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, the exceptions for alterations to qualified historic buildings or facilities for that element shall be permitted to apply when approved by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.

**Advisory 202.5 Alterations to Qualified Historic Buildings and Facilities Exception.** State Historic Preservation Officers are State appointed officials who carry out certain responsibilities under the National Historic Preservation Act. State Historic Preservation Officers consult with Federal and State agencies, local governments, and private entities on providing access and protecting significant elements of qualified historic buildings and facilities. There are exceptions for alterations to qualified historic buildings and facilities for accessible routes (206.2.1 Exception 1 and 206.2.3 Exception 7); entrances (206.4 Exception 2); and toilet facilities (213.2 Exception 2). When an entity believes that compliance with the requirements for any of these elements would threaten or destroy the historic significance of the building or facility, the entity should consult with the State Historic Preservation Officer. If the State Historic Preservation Officer agrees that compliance with the requirements for a specific element would threaten or destroy the historic significance of the building or facility, use of the exception is permitted *when approved by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.*

### **ADA vs. TAS**

The Americans with Disabilities Act (ADA) is a Civil Rights Law and requires all facilities that are considered Public Accommodations to be made accessible to the disabled community. This includes existing facilities like the Lamplighter.

The 2012 Texas Accessibility Standards are guidelines based on the Law of the State of Texas Chapter 469 of the Government Code. This law only applies to construction and design of buildings defined as Public Accommodations and Commercial Facilities in the ADA. They don't apply to existing buildings where no construction is being done.

### **ADA Title II**

Title II of the ADA covers programs, activities, and services of public entities. It is divided into two subtitles: subtitle A of title II, which is implemented by the Department of Justice's title II regulation. Subtitle B, covering public transportation, and the Department of Transportation's regulation implementing that subtitle.

Subtitle A is intended to protect qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all State and local governments. It additionally extends the prohibition of discrimination on the basis of disability established by section 504 of the Rehabilitation Act of 1973, as amended, to all

activities of State and local governments, including those that do not receive Federal financial assistance. By law, the Department of Justice's title II regulation adopts the general prohibitions of discrimination established under section 504, and incorporates specific prohibitions of discrimination from the ADA.

Subtitle B is intended to clarify the requirements of section 504 for public transportation entities that receive Federal financial assistance. Also it extends coverage to all public entities that provide public transportation, whether or not they receive Federal financial assistance. It establishes detailed and complex standards for the operation of public transit systems, including commuter and intercity rail (DART Rail). The Department of Transportation is responsible for the implementation of the second subtitle of Title II and issued a regulation implementing that subtitle.

### **ADA Title III**

The title III regulation covers public accommodations (i.e., private entities that own, operate, lease, or lease to places of public accommodation) and commercial facilities, and private entities that offer certain examinations and courses related to educational and occupational certification. Places of public accommodation include over five million private establishments, such as restaurants, hotels, theaters, convention centers, retail stores, shopping centers, dry cleaners, laundromats, pharmacies, doctors' offices, hospitals, museums, libraries, parks, zoos, amusement parks, private schools, day care centers, health spas, and bowling alleys.

Commercial facilities are nonresidential facilities, including office buildings, factories, and warehouses, whose operations affect commerce.

Entities controlled by religious organizations, including places of worship, are not covered.

Private clubs are not covered, except to the extent that the facilities of the private club are made available to customers or patrons of a place of public accommodation.

State and local governments are not covered by the title III regulation, but rather by the Department of Justice's title II regulation.

Public accommodations must provide goods and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity, eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy the goods and services of a place of public accommodation, make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration would result in the nature of the goods and services provided, furnish auxiliary aids when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result, remove architectural and structural communication barriers in existing facilities where readily achievable, provide readily achievable alternative measures when removal of barriers is not readily achievable, provide equivalent transportation services and purchase accessible vehicles in certain circumstances, maintain accessible features of facilities and equipment,





design and construct new facilities and, when undertaking alterations, alter existing facilities in accordance with the Americans with Disabilities Act Accessibility Guidelines issued by the Architectural and Transportation Barriers Compliance Board and incorporated in the final Department of Justice title III regulation.

A public accommodation is not required to provide personal devices such as wheelchairs; individually prescribed devices (e.g., prescription eyeglasses or hearing aids); or services of a personal nature including assistance in eating, toileting, or dressing.

A public accommodation may not discriminate against an individual or entity because of the known disability of a person with whom the individual or entity is known to associate.

Commercial facilities are only subject to the requirement that new construction and alterations conform to the ADA Accessibility Guidelines. The other requirements applicable to public accommodations listed above do not apply to commercial facilities.

## 5 STATION SITE ASSESSMENT

### 5.1 MUSEUM WAY STATION

#### 5.1.1 Areas in Compliance:

- A. Existing curb ramps at south end of platform will be removed and replaced with proposed street modifications to Broom Street.

**Figure 5.1-A. Curb Ramps and Sidewalk at Driveway to Perot Museum Parking Lot from Broom Street**



- B. Cross slopes for sidewalks

- See Figure 5.1-A

**Figure 5.1-B. Parking Lot and Route to Perot Museum on East Side of Station**



- C. Walkways and accessible routes

- D. Accessible parking

- See Figure 5.1-B

#### 5.1.2 Areas Not in Compliance:

- A. Proposed pedestrian crossing and access from northeast side of station is an unpaved area/island behind parking lot curb.

**Figure 5.1-C. Unpaved Island at Northeast End of Station**



B. Asphalt parking lot on west side of station slopes approx. 4% towards station.

**Figure 5.1-D. Asphalt Parking Lot on West Side of Station**



C. Utility poles create an accessible route obstruction from the southwest end of the station.

**Figure 5.1-E. Sidewalk along Broom Street**





### 5.1.3 Recommendations:

- A. Cut curb and pave as needed – **Priority Level 1**
- B. Coordinate accessible parking locations to provide compliant accessible routes – **Priority Level 1**
- C. Relocate utilities outside proposed street modifications to Broom Street. – **Priority Level 1**

## 5.2 METRO CENTER STATION

### 5.2.1 Areas in Compliance:

- A. Curb ramps from bus loading areas have slopes ranging from 5% to 6% and are acceptable.

Figure 5.2-A. Curb Ramps at Bus Loading



- B. Curb ramps at street intersections around the West Transfer Center and all proposed elevator locations have slopes ranging from 5% to 8% and are acceptable.

Figure 5.2-B. Curb Ramps at Street Intersections



- C. Cross slopes for sidewalks around the perimeter of the West Transfer Center and all proposed elevator locations are fairly level and acceptable.

**Figure 5.2-C. Cross Slopes – West Transfer Center, Southeast Corner of Pacific Avenue and Lamar Street**



- D. Walkways and accessible routes within the West Transfer Center and all proposed elevator locations are fairly level and acceptable.

**Figure 5.2-D. West Transfer Center Walkways**



- E. Existing accessible routes have no obstructions or potential tripping hazards with elevation change.

## 5.2.2 Areas Not in Compliance:

- A. There is no direct accessible route from the sidewalk along Pacific Avenue to proposed elevator location at the northeast corner of Pacific Avenue and Griffin Street.

Figure 5.2-E. Sidewalk along North Side of Pacific Avenue



## 5.2.3 Recommendations:

- A. Install walkway between sidewalk and parking lot at entrance to elevator location –  
**Priority Level 1**



## 5.3 COMMERCE STATION

### 5.3.1 Areas in Compliance:

- A. Curb ramps are acceptable.

Figure 5.3-A. Curb Ramps at Pegasus Plaza



Figure 5.3-B. Curb Ramps at Commerce Street and Lane Street (Proposed Elevator Entrance to Station)



- B. Cross slopes for sidewalks are fairly level and acceptable.

**Figure 5.3-C. Cross Slopes at Pegasus Plaza (See Figure 5.3-B for Cross Slopes at Proposed Elevator Entrance to Station)**



- C. Existing accessible routes have no obstructions or potential tripping hazards with elevation change.

- See Figures 5.3-B and 5.3-C

### 5.3.2 Areas Not in Compliance:

- A. Landing at proposed building entrance to elevator on Commerce Street sidewalk appears too narrow.

**Figure 5.3-D. Sidewalk along North Side of Pacific Avenue**



### 5.3.3 Recommendations:

- A. Install compliant landing, including width and slopes, at building entrance to elevator location – **Priority Level 1**



## 5.4 CBD EAST STATION

### 5.4.1 Areas in Compliance:

- A. Curb ramps are acceptable.

**Figure 5.4-A. Curb Ramps along Pearl Street**



- B. Cross slopes for sidewalks are fairly level and acceptable.

**Figure 5.4-B. Cross Slopes along Pearl Street and Elm Street**



- C. Existing accessible routes have no obstructions or potential tripping hazards with elevation change.

- See Figures 5.4-A and 5.4-B

### 5.4.2 Areas Not in Compliance:

- A. None

### 5.4.3 Recommendations:

- A. None

## 5.5 LIVE OAK STATION

### 5.5.1 Areas in Compliance:

- A. Curb ramps at Live Oak Street and N. Good Latimer Expressway are acceptable.

**Figure 5.5-A. Curb Ramps at North End of Station**



- B. Cross slopes for all sidewalks

**Figure 5.5-B. Sidewalks along N. Good Latimer Expressway**



- C. All walkways and accessible routes
- See Figures 5.5-A and 5.5-B
- D. There are no existing accessible route obstructions or potential tripping hazards with elevation change.



## 5.5.2 Areas Not in Compliance:

- A. There are no curb ramps to tie into the pedestrian crossings at the south end of the station.

**Figure 5.5-C. Curb Ramps at N. Good Latimer Expressway and Mid-block Driveways between Florence Street and Swiss Avenue**



## 5.5.3 Recommendations:

- A. Install curb ramps with street modifications. – **Priority Level 1**

# END OF REPORT