

Title II of the ADA- Public Services: State and Local Government

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People with disabilities who don't drive primarily rely on sidewalks and other pedestrian rights of way to access their community; therefore, it is important to keep these public thoroughfares clear. Wheelchairs and other mobility aids can become difficult to navigate on sidewalks, curb ramps, and streets after snow or ice have fallen. For those who have balance issues, or who use a cane or walker, patches of snow and/or ice can be potentially dangerous, as well.

When there is snow and ice on the ground, it can be incredibly difficult, if not impossible, for blind and visually impaired people to know ahead of time whether their usual routes will be open or not, and/or when a particularly dangerous situation could arise due to the ice and snow in their path.

The US Dept of Justice requires Title II entities – state and local governments – to maintain accessibility.

Some problem areas that prohibit access when blocked by snow: Public parking spaces, Curb cuts, Crosswalks, access routes and entrances to government buildings

It is important to note that State and local governmental agencies must provide pedestrian access for persons with disabilities in compliance with ADA Title II. 42 U.S.C. §12131(1). Federal, State, and local governments must provide pedestrian access for persons with disabilities in compliance with Section 504 standards. 29 U.S.C. §794(a). A public agency must maintain its walkways in an accessible condition, with only isolated or temporary interruptions in accessibility. 28 CFR §35.133.

Part of this maintenance obligation includes reasonable snow removal efforts. (9-12-06) While there is not a specific time frame in which covered entities must act in order to remove snow, these snow removal efforts must be made as quickly as is reasonably possible. Also, it is important to note that removed snow must not be plowed into/on top of accessible features (such as those listed above) or components of an accessible route.