

LAP Americans with Disabilities Act (ADA) Training Course (No. BT-05-0062)
Questions and Answers

- Q Question about immutable characteristics - some disabilities could be transitory, isn't that the case? For example, someone might have an injury that impacts their mobility for a certain time from which they may heal.
- A Yes, in 2009 Congress passed the Americans With Disabilities Act (ADA) Amendments Act which somewhat broadened what had become a very restrictive judicial definition of Qualified Individual with a Disability (QUID). Before the amendment, obtaining QUID status was very difficult and the conditions were rarely transitory, to use your words. After the amendment, it's much more reasonable. For example, a pregnant person with serious secondary medical issues could be considered disabled, even though after the delivery she would not be. Typically, we don't think of immutable characteristics when we talk ADA. That is more Title VI. With ADA, we say, 'mental or physical condition that substantially limits one or more major life activities.'
- Q Is the FDOT transition plan available to review?
- A It sure is - <https://www.fdot.gov/roadway/ada/default.shtm>. The FDOT ADA page provides the program plan and methodology. Each year, FDOT conducts a statistically significant sampling of pedestrian rights of way to validate the transition of facilities or to identify those that are not compliant. The results of those validation efforts and the follow-up action are posted for public view on the same page or you can contact the State ADA Coordinator Brad Bradley, Brad.Bradley@dot.state.fl.us for additional information.
- Q Do transition plans need to include an inventory of curb ramps?
- A Not specifically. There are four requirements listed at 28 CFR 35.150(d)(3) including the identification of obstacles to accessibility. Of course, if you don't know where the ramps are or should be, it would be hard to meet this requirement. 28 CFR 35.150(d)(2) does require a curb ramp schedule, "[the] transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act."
- Q How can we address the objections of contractors/engineers to Public Rights-of-Way Accessibility Guidelines (PROWAG) being recommendations and not guidelines? Also, can the States fill the void of the lack of specific guidelines from the Federal Transit Authority (FTA)?
- A If an agency adopts PROWAG as its ADA standards, then they have the force of law. Even if not, FDOT Design Standards and the Florida Greenbook are PROWAG compliant or better (with the single exception of Accessible Pedestrian Signals (APS) installation. So, even if you can't quote PROWAG as your authority, it's likely that one of the other two specifications will apply.

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- Q Which web address provides PROWAG information?
- A This is a good web address for the United States Access Board (USAB) PROWAG: <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines>.
- Q How do we address issues in the U.S. due to sidewalk and roadway dining situations that are blocking sidewalks, etc. for persons with disabilities?
- A It's a serious emerging issue that we are seeing nationwide. Another similar issue is pedestrians abandoning dock less scooters in the middle of the Public Right- of- Way (PROW). The Federal Highway Administration (FHWA) is in discussion with other modes and hopefully, we'll see guidance before too long.
- Q Would someone in a [orthopedic] cast qualify for QUID for a distinct period? We had an inquiry from someone in a cast.
- A Legally that is correct. However, impacting major life activity is still the test. So, if I shatter my right arm but I'm left-handed, I'm far less likely to achieve QUID status. Excellent comment/question.
- Q Is it better to say that the 4 ft. minimum width requirement refers to 'clear width' as opposed to 'sidewalk width'? I find it dangerous to call it 'sidewalk width'.
- A Yes, clear width is the better term since the object could be within the sidewalk, such as a signpost.
- Q How are you supposed to measure a 2% cross slope? Should it be averaged or measured in one spot, and with what smart level tool length?
- A These are great questions. I would not recommend averaging your cross slopes, which is inconsistent with providing accessibility. However, it is not possible to measure every single linear foot of cross slopes. The best answer is likely somewhere in the middle by measuring concrete forms at multiple locations to ensure overall compliance. There is no recommendation for smart tool length (that I'm aware of). FDOT and FHWA most often use 24 in. but we both have 4 ft. levels or those facilities that are very wide.
- Q If a sidewalk behind the curb is required to be 6 ft. wide, how do you address limited right-of-way (ROW) if you have an obstruction at the back of the sidewalk? Can you still have a width of 32 in. if you have a pole with a width of 5 ft.?
- A You're right about the 6 ft. back of curb. Pinch points due to objects within the corridor that can't be moved should be 48 in. wide, 32 in. is allowed if it is the best you can do for no longer than 24 in. (imagine a wood utility pole). You should try to move the obstruction. Document the reduced width of the sidewalk as a Design Variation since sidewalk width is a shall condition.

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- Q Does asphalt pavement qualify as slip-resistant when it is wet?
- A Yes. Asphalt surfaces are generally considered slip-resistant and are often used for multi-use paths (at least in Florida). Not sure if this is the same in cold-weather states, however.
- Q Does the 4 in. maximum wall mounted offset apply if the pathway exceeds the minimum clear requirement of 42 in.?
- A Any clear path of travel should be free of protrusions of more than 4 in. In other words, if you intend or expect pedestrians at any point within that area, then the 4 in. max applies.
- Q Can something protrude more than 4 in. from a wall if there is a 7 ft. wide pathway?
- A The issue with more than 4 in. above ground protrusion is that it is not detectable by a cane. So, if the protrusion is in the clear path of travel, then the width of the sidewalk would not matter - it should not extend more than 4 in.
- Q Drop-offs similar to the sides of the ramp (outside of the access route) on raised sidewalks, i.e. a sidewalk raised 3 ft. over the roadway grade, not ramps, may have a drop-off that is vertical. The commonsense answer is a railing protecting the drop off. But if there is a 2 ft. green strip/swale area there is a steep incline between the sidewalk and the roadway. What standard reviews this condition? Drop-off (harmonization) slope on the sides, or railing requirement?
- A Please see Chapter 8 - Pedestrian Facilities and Chapter 9 - Bicycle Facilities for information on when drop-off protection is required. Shared-use paths, which are included in Chapter 9, have additional requirements due to the higher speed of cyclists.
- Q Should you consider the clear zone for items in the furniture zone (utility zone)?
- A Yes, please see Chapter 4 - Roadside Design in the 2018 Florida Greenbook. Look at both tables for the clear zone and lateral offset.
- Q Why is decorative brick still allowed on sidewalks and streets, given how painful it is to people with spinal cord injuries? Brick doesn't allow for a "stable" surface for a wheelchair and causes continuous bumping for the wheelchair user.
- A This is one of the many areas for which we lack a clear standard or guidance. We tell locals to be considerate - not just of users, but also maintenance, which tends to be greater for bricked surfaces than concrete/asphalt. I will add this to our monthly ADA law group to see if anyone is aware of studies or pending guidance.

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- Q In the example with steps, wouldn't the pedestrian path be inaccessible to people in wheelchairs as they get out of their cars?
- A Providing accessibility does not preclude the use of stairs. Rather it means that an accessible route must be provided elsewhere. Your point is well taken, however. I recently read a violation issued by USDOT not for employing stairs, but for not providing an accessible route for those with disabilities parking near or around these stairs.
- Q Are truncated domes the only acceptable detectable warning?
- A New construction and alterations should use truncated domes in contrasting colors. However, we do not expect you to address warnings that, while not current by today's standards, are still tactile. Our biggest issue is the stamped grid-pattern warnings. Rain, sand, and vehicle incursion all wear down the tactile surface. In these cases, they should be replaced or 'overtopped' with truncated domes.
- Q The minimum 5 ft. width can be used if there is a buffer between the curb and the sidewalk. If the sidewalk is directly behind the curb, is the minimum width of the sidewalk six feet?
- A Yes, 6 ft. is the standard in the Greenbook. For those areas where there are true constraints, such as protected trees, you should prepare a design variation for the reduced width of the sidewalk. Provide at least 48 in. as the minimum sidewalk width ,not to exceed 200 ft. in length.
- Q If a curb ramp on one side of an intersection is upgraded with an ADA detectable surface, is it required to also replace the receiving ramp, even if it is outside the project limits? If so, what standard can I cite for this requirement?
- A Please see Chapter 8 - Section B.1 of the 2018 Florida Greenbook for the requirements for extending pedestrian facilities to create functional endpoints. Per the Joint Technical Assistance memo U.S. Department of Transportation (USDOT) and U.S. Department of Justice (USDOJ).
- A USDOT/USDOJ Joint Technical Assistance memo (https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/ada/ada-ga.pdf?sfvrsn=b0d693a_12), any alterations affecting pedestrian access must address barrier removal. It might be a good idea to extend the project limits during the initial scoping. Another approach would be to coordinate with the appropriate jurisdiction to have a new Detectable Warning Surface (DWS) installed at/near the same time, so the pedestrian route limits are harmonized.

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Q Why do we keep referring to PROWAG when FDOT standards apply in Florida? I thought they were not 100% consistent.

A A very fair (and common) critique of this presentation. We have been asked by FDOT to ensure our new training focus on minimum requirements for Florida agencies. This presentation is reaching the end of its life. We are completing a design course that will avoid constant reference to PROWAG. We will preview a virtual version at the Sarasota Manatee MPO Transportation Symposium in November. As you pointed out, PROWAG and FDOT/Greenbook standards are not perfectly aligned. In all but one case, Florida's standards meet or exceed those of PROWAG. We are not currently aligned with PROWAG when it comes to Accessible Pedestrian Signals (APS).

Q Is there a max distance from the back of the curb to the placement of the truncated domes?

A Ideal placement for DWS is at back of curb. However, where that's not possible, it may be placed perpendicular to the direction of travel on the ramp, with one edge at the back of curb and the other edge placed within 5 ft. of back of the curb. Please see the following resources:

- (1) ADA Questions & Answers - <https://www.fdot.gov/roadway/ada>;
- (2) Index 522-002 - <https://www.fdot.gov/design/standardplans/current/default.shtm>
 - (3)Spec 527 - <https://www.fdot.gov/programmanagement/implemented/specbooks/default.shtm>

Q What section of the Greenbook is referenced to make an adjoining ramp ADA complaint?

A From the Florida Greenbook, Chapter 8, Section B.1, A 5 ft. wide (minimum) sidewalk that connects a transit stop or facility with an existing sidewalk or shared-use path shall be included to comply with ADA accessibility standards. Chapter 13 – Transit provides illustrations of the connection between the sidewalk and transit facility.

Particular attention shall be given to pedestrian accommodations at the termini of each project. If full accommodations cannot be provided due to the limited scope or phasing of a roadway project or an existing sidewalk is not present at the termini, an extension of the sidewalk to the next appropriate pedestrian crossing or access point should be considered. If pedestrian facilities are provided, they shall be connected with facilities (e.g. sidewalks, shared-use path, and crosswalks on the adjoining projects."

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- Q What do you think of detectable warning brick pavers?
- A The biggest issue we've seen with them is the lack of contrasting color. Agencies seeking a 'historic' look to their downtown ped facilities like them because they blend in with other paved surfaces. Red on red lacks the contrast required. It might be perfectly usable by a cane user, but most vision impairments (especially in Florida) are low vision and need the color cue. Another complaint we've received is that pavers are uncomfortable for wheelchair users, but this isn't considered a prohibition to using them.
- Q What is the preferred method for installing DWS - glue or screws?
- A I'm not sure if FDOT has an official recommendation but I've heard using both is a good idea. Epoxy's alone can be problematic, especially in areas where drainage issues or vehicles cutting flush transitions and running over the mats. In areas where screws alone are used, sand and detritus can eventually creep underneath and cause damage (but this is sometimes due to faulty installation). Do what works best for you and aligns with your maintenance strategies.
- Q Are concrete truncated domes still acceptable?
- A Not on state highways. The problem was too many were deformed so we were not getting the coverage needed.
- Q Is the orientation of the push button on the slide with the example of US 1 at 107th, Marathon correct?
- A We are having a rough time with this. Last year, our reviews found multiple instances of misalignment of the push buttons (or related signage) in some very unlikely places, including I-Drive in Orlando. It is a focus area for FHWA and FDOT for 2021.
- Q Can a detectable surface/truncated dome be any color and be a paver?
- A Yes, to both, largely. The requirement is that the Detectable Warning (DW) must be a color that contrasts with the ramp surface. For state highways, FDOT Spec 527-2.3 Color/Contrast: Use safety yellow, brick red, or black colored detectable warnings on concrete walking surfaces. Use safety yellow colored detectable warnings on asphalt walking surfaces. Local agencies sometimes choose brown or even a hunter green. The important thing is that you have sufficient contrast. For years it was cautioned against using any type of blue, since it is the first color we lose as we age, and our vision deteriorates.
- Q Regarding the example of US1 in Florida Keys where pedestrian signals were not to code - why did FDOT do it and FHWA fund it?
- A I don't think the pole that is being reached has the button. That leg of the intersection doesn't have a crosswalk. We were trying to demonstrate how difficult the retrofit would be to complete all legs with crosswalks based upon the current design.

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- Q If the pedestrian signal provides a spoken message, would it have to be in multiple languages if there are people with low English proficiency in the community?
- A I think caution is in order, as well as a solid understanding of the service population in the area. Downtown Miami has audible signals in multiple languages, but I suspect that is more than most areas need. FHWA's Resource Center promotes the use of vibro-tactile messages in favor of spoken warnings. I don't think MUTCD prohibits the use of multiple languages in APS, though.
- Q So, the crossing times should be calculated from the level landing and not the face of the curb?
- A The crossing time is based upon the MUTCD requirements.
- Q Is it a concern that guide dogs have reportedly confused dark colors with holes in the ground?
- A Yes. That's also a concern with 'mural' crosswalks in some cities. The use of different colored paints/thermoplastics makes it difficult for low vision users and guide dogs to identify cracks/holes in the surface.
- Q Do you need a warrant study for the Pedestrian Hybrid Beacon (PHB)? I assume yes, but this seems to be a new type of signal.
- A Yes, the MUTCD, Chapter 4F has the guidance for its installation. For multi-lane, or higher volume, highspeed roadways, the PHB seems to be a good option for improving mid-block crossings.
- Q Going back to the ADA Transition Plan, I've been told the public participation/review period is 45 days. Is this correct, and if so where is this found (i.e.: 28 CFR 35.1050)?
- A You are correct that the regulation doesn't specify a timeframe. The ADA Transition Plan is considered a living document, updated periodically, and must be publicly posted. If your agency is publicly posting and updating annually, you should be meeting minimum public participation. We recommend updating annually along with your County Capital Improvement Program (CIP). If you hold public meetings or workshops associated with your CIP development and/or adoption you can do both.
- Q One of the challenges we see is the combination of the Rectangular Rapid Flashing Beacon (RRFB) or push button and CR-C curb ramps. The orientation of the push button combined with the use of the pre-cast round bases makes getting the reach distance to the push button (6 in to the curb + 12 in to the center of the button) especially if the orientation of the button is parallel to the crossing direction. Any consideration of including a speed footer design for RRFB or pedestrian push button assembly in the Standard Plans? FDOT is developing a new standard for the placement of pedestrian push buttons adjacent to curbs.
- A Please see FDOT's Standard Plans.
<https://www.fdot.gov/design/standardplans/current/default.shtm>

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- Q How is the clear zone handled with rural bus stops? Wouldn't the raised curb and gutter be classified as a hazard since it is higher than 4 in.?
- A See Chapter 13 - Transit of the Florida Greenbook where there are some examples of accessible transit stops on flush shoulder roadways. The curbs are Type E and offset from the travel lane.
- Q Do you have to be personally affected to report ADA infractions, i.e. bad sidewalk slopes? How long do agencies have to correct the problem?
- A No, you do not have to have a disability to report ADA infractions. There is not a standard timeframe that we mandate, but I would review the governing agencies Title VI policy and/or ADA plan to see how many days the maintaining agency has set forth for replying to and resolving complaints.
- Q When you are developing an adjacent property that abuts the right-of-way with a sidewalk is there an ADA or other federal requirement which requires you to construct a sidewalk from the proposed building and connect to the sidewalk in the adjacent road right-of-way?
- A Usually, some local codes or ordinances that require this to support connectivity and to place some of the cost of providing pedestrian facilities on the private contractors. Picture every new Walgreens ever built in Florida in the past 10 years. You never see one without a sidewalk connection and often the developer builds a new sidewalk in the public right of way if one didn't exist. I have not seen a mandate above the local level that requires a connection.
- Q Index 102-075 referenced in the alternate PAR slide is not in the current edition of the Standard Plans. Would you please advise?
- A There has been quite a bit of work on our Temporary Traffic Control Standards with some renumbering. Here is a link to the standards:
<https://www.fdot.gov/design/standardplans/current/default.shtm>
- Q Who is responsible for the alternate pedestrian routes when a private contractor sets up the Maintenance of Traffic (MOT)? Does it depend on whether the public agency issued a permit, or whether the issued permit was adhered to?
- A It would depend on the permit and the identified requirements. Often permits issued by governments have language placing the responsibility on the contractor, but this isn't always the case. If you are allowing the private contractor to work in your public right of way, there should be a language that allows you to enforce corrections under the permit language or have the ability to rescind the permit if they do not comply. Your attorney would have to decide liability.

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- Q Are curb ramps with detectable warnings required in a private subdivision for sidewalks that are considered a community feature?
- A Yes, the Greenbook applies to all roads, even private roads. The Greenbook specifically tells you that when you build sidewalks, they need to be accessible.
- Q Are detectable warnings required at the driveway?
- A Only for driveways with stop or signal control since they tend to be complex or have higher volumes of traffic. For the Greenbook, we have adopted this guidance from PROWAG.
- Q How about flared commercial driveways with significant traffic volumes?
- A Commercial driveways with significant volumes should have stop signs, marked crosswalks, and detectable warnings.
- Q I require developers to connect their development to the adjacent sidewalk in the road right-of-way to provide access to everyone when reviewing and approving plans. However, is there a federal requirement to do such?
- A Not, per se. Gaps in facilities that prevent access to important government services must be addressed. The best practice is what we discussed- requiring developers to tie in.
- Q Are ADA detectable warnings required in subdivisions with private roadways? What about commercial sites? I've heard this question come up several times. The Greenbook seems to require it on private subdivision roads, but I have heard engineers argue against this because it is a non-state road.
- A Yes, commercial sites also require it.
- Q Is 5x8 acceptable for a transit only sign with no sidewalks?
- A The best guidance I have found is this circular from the Federal Transit Agency, found here:
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_ADA_Circular_C_4710.1.pdf
- Q Can you please provide the reference in the Greenbook that forbids driveways from functioning as ADA ramps? We have sometimes received comments that the driveway slopes must meet ADA.
- A Driveway cross slopes must meet ADA in terms of providing a 2% pedestrian access route across the driveway. A driveway is not a curb ramp.

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- Q Do agencies need to update their transition plan to incorporate revised standards such as detectable surface and do they have to provide ongoing training of design and inspection staff to keep up with changes in methods/standards?
- A The Transition Plan should include any facility that does not meet ADA standards for eventual correction. We require bi-annual training for designers and inspectors in the LAP Program to maintain LAP Certification. I cannot speak to other types of training that may be required due to license requirements but, generally, it is a strong practice to provide or avail yourself of staff training. Even if standards don't change, there are constantly emerging issues that impact local agencies.
- Q If a person in a wheelchair is using the roadway, do they need to have a reflective triangle or an ATV flag?
- A No, the permission to travel in the roadway when there is no sidewalk or if the sidewalk is unusable is in Florida Statutes (FS).
- Q How do you address parallel parking for ADA?
- A https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/design/standardplans/2021/idx/711-001.pdf?sfvrsn=b32c263c_6
- Q If you have existing curb ramps that don't meet current standards, do these need to be upgraded with street resurfacing?
- A Yes, when you resurface you would need to upgrade. This is covered in the DOJ memo. (https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/ada/ada-ga.pdf?sfvrsn=b0d693a_12), and the Joint Technical Assistance Memo from USDOT/USDOJ
- Q Is the ADA transition plan applicable to FDOT roadways or all roadways in the jurisdiction?
- A FDOT has its own transition plan for state roadways. Your transition plan should cover those transportation rights of way "owned" and controlled by your agency.
- Q Wouldn't the furniture zone violate the clear zone requirements, so that in Florida we're not actually supposed to place furniture or trees there?
- A Any street furniture must conform to lateral offset/clear zone requirements and commensurate with the facility type and design speed. "Furniture Zone" isn't a requirement of the ADA. It's simply a design tool for laying out the full cross-section.
- Q Would the ramp from the parking area to the pedestrian area need to comply with the slope criteria?
- A Yes, all running slopes and cross slopes for the type of "ramp" in this question must conform to ADA criteria. If the running slope is > 5% and less than 8.3%, then it's truly a "ramp" and "ramp" criteria apply for handrails, landings, etc.

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- Q Could you discuss the requirement for tactile surface orientation/alignment in intersections?
- A While it's considered a "good practice" to orient the truncated domes with the direction of travel, it is not required by the ADA. If they are placed on a ramp with a running slope greater than 5%, they must align with the direction of travel so that the wheels on a chair can more easily pass through. It is important that they cover the entire width of the walking surface.
- Q The rural area bus stop shown earlier had no sidewalks, and it was acceptable. Would a 5x8 pad only signed bus stop be ADA compliant?
- A Bus stops must be connected with an improved surface to adjacent/existing sidewalk facilities/systems. If the bus stop is in a rural area without sidewalks, then the rural bus stop must connect to the roadway. The stop shown in the picture is allowed. (See 2018 Greenbook Section 13.C: <https://www.fdot.gov/roadway/FloridaGreenbook/FGB.shtm>.) (See also Question 8 in our ADA Questions & Answers: <https://www.fdot.gov/roadway/ada>.)
- Q Does the minimum (at a point) include the top of the curb and gutter (6 in.)
- A No, the measurement is from the back of the curb.
- Q What is the referenced standard for "drop-offs" or side slopes for raised sidewalks? Due to sea level rise, roadways/sidewalks may need to be raised. Also, for beach walks, the drop-offs are not necessarily vertical - what is the reference standard to review the risks here?
- A Please see Chapter 8 - Pedestrian Facilities and Chapter 9 - Bicycle Facilities for information on when drop-off protection is required. Shared Use Paths, which are included in Chapter 9, have additional requirements due to the higher speed of cyclists.
- Q Does the curb zone adjust when parking is not parallel, to account for vehicle overhang? Or is that just considered part of the furniture zone?
- A The zone system is not a requirement of the ADA. It is simply a useful design tool for laying out the full cross-section.
- Q Are there any examples or clarification on handicapped parallel parking with connection to a sidewalk?
- A Please refer to the question on parking in our ADA Questions & Answers: <https://www.fdot.gov/roadway/ada>.
- Q How do you address parallel parking next to a lane?
- A Please refer to the question on parking in our ADA Questions & Answers: <https://www.fdot.gov/roadway/ada>.

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- Q How do you obtain an ADA Coordinator Training Certification Program (ACTCP)?
- A Visit the training page of the Southeast ADA Center (www.adasoutheast.org/training). ACTCP is a collaborative training program offered by national ADA Centers. It is not affiliated with or required by FDOT, but Dean Perkins thought highly of it. Note, not all training resources through the ADA Centers are free.
- Q Would installing parklets for dining be considered a building alteration?
- A As I understand the term, parklets extend useable space by consuming one or more parking lanes (either permanently or temporarily) for seating, dining, gathering, etc. To that end, they are alterations and should accommodate those with disabilities. However, this is a brand-new question for the Sub-recipient Compliance Assessment Team and will take some additional research and will be added to the list of emerging issues.