



TECH BRIEF 2013-8

Americans with Disabilities Act (ADA) Curb Ramp Requirements during Resurfacing Projects

BACKGROUND

The Americans with Disabilities Act of 1990 (ADA) is a civil rights statute prohibiting discrimination against persons with disabilities in all aspects of life, including transportation, based on regulations promulgated by the United States Department of Justice (DOJ). DOJ's regulations require accessible planning, design, and construction to integrate people with disabilities into mainstream society. Further, these laws require that public entities responsible for operating and maintaining the public rights-of-way do not discriminate in their programs and activities against persons with disabilities. FHWA's Civil Rights program implements the DOJ regulations through delegated authority to ensure that pedestrians with disabilities have the opportunity to use the transportation system's pedestrian facilities in an accessible and safe manner.

FHWA and DOJ met in March 2012 and March 2013 to clarify guidance on the ADA's requirements for constructing curb ramps on resurfacing projects. Projects deemed to be alterations must include curb ramps within the scope of the project.

SUMMARY OF GUIDANCE CLARIFICATION

This clarification provides a single Federal policy that identifies specific asphalt and concrete-pavement repair treatments that are considered to be alterations – requiring installation of curb ramps within the scope of the project – and those that are considered to be maintenance, which do not require curb ramps at the time of the improvement.

Pavement Treatment Types (Maintenance vs. Alteration)

MAINTENANCE

Chip Seals	Fog Seals	Scrub Sealing
Crack Filling/Sealing	Joint Crack Seals	Slurry Seals
Diamond Grinding	Joint Repairs	Spot High-Friction Treatment
Dowel Bar Retrofit	Pavement Patching	Surface Sealing

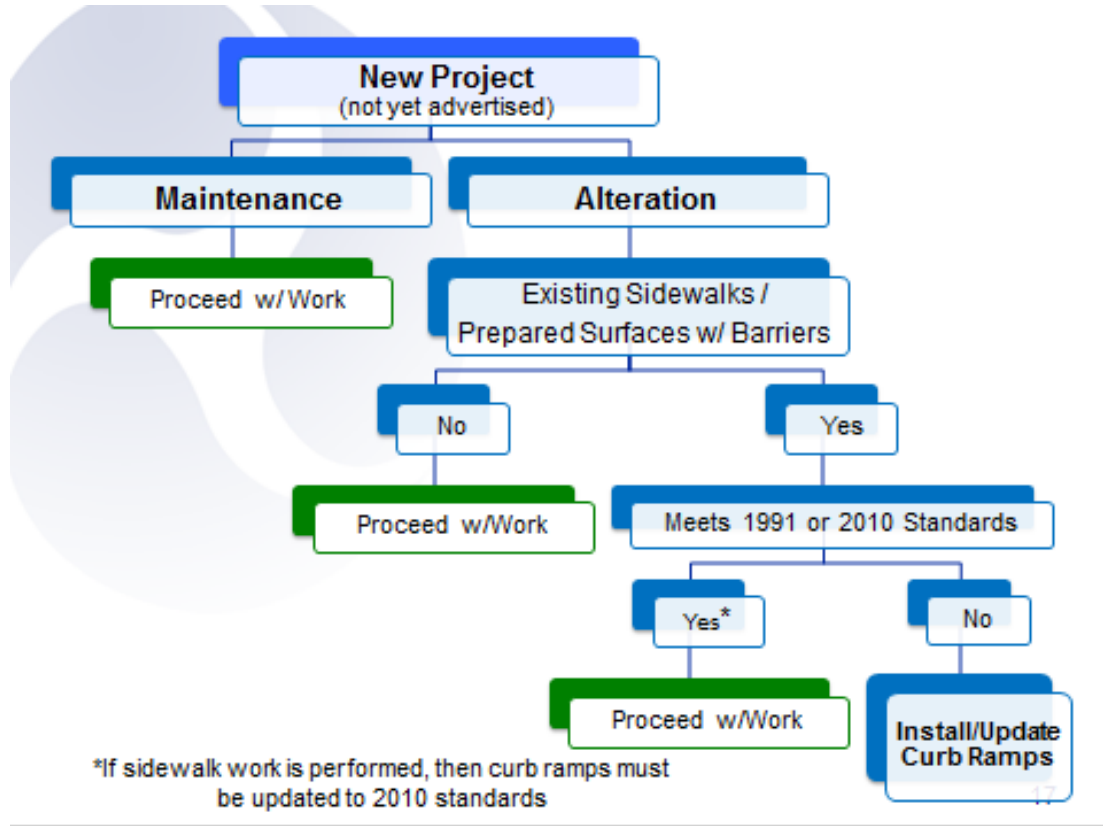
ALTERATION

Addition of New Layer of Asphalt	Mill & Fill/Mill & Overlay
Cape Seals	New Construction
Hot-in-Place Recycling	Open-graded Surface Course
Microsurfacing/Thin-Lift Overlay	Rehabilitation and Reconstruction



This approach clearly identifies the types of structural treatments that both DOJ and FHWA agree require curb ramps (when there is a pedestrian walkway with a prepared surface for pedestrian use and a curb, elevation, or other barrier between the street and the walkway) and furthers the goal of the ADA to provide increased accessibility to the public right-of-way for persons with disabilities. This single Federal policy will provide for increased consistency and improved enforcement.

PROJECT SELECTION PROCESS:



ADA TRANSITION PLANS

Title II of the ADA requires all public organizations with 50 or more employees to adopt a Transition Plan identifying physical obstacles limiting access to programs, services and activities by persons with qualified disabilities and bring related deficiencies into compliance with the ADA.

Basic components of an ADA transition plan include:

- ✓ Designate an ADA Coordinator
- ✓ Development & postings of an ADA Policy Statement
- ✓ Development & postings of Grievance Procedures/Complaint Procedures
- ✓ Complete a self-evaluation
- ✓ Development of a Transition Plan

If your local agency does not have a transition plan in place, we hope the following helpful resources will provide the tools you need to complete this process.

Additional Helpful Resources:

FHWA's Accessibility Resource Library...has many good links and documents.

<http://www.fhwa.dot.gov/accessibility/index.cfm>

T2 Center Training Modules – Designing Accessible Pedestrian Facilities

<http://www.t2center.uconn.edu/safetybriefs.php#techbriefs>

ConnDOT's Highway Standard Drawing webpage...curb ramp details

<http://www.ct.gov/dot/cwp/view.asp?a=3610&q=411104>

Sample ADA Transition Plan

<http://www.elkhartindiana.org/department/division.asp?fDD=34-473>

ADA Guide for Small Towns

<http://www.ada.gov/smtown.htm>

The ADA and Local Governments: Common Problems

<http://www.ada.gov/comprob.htm>

FHWA 2013 Webinars – ADA requirements to provide curb ramps when resurfacing
August 21, 2013 webinar recording:

<http://connectdot.connectsolutions.com/p7r08bvr75l/>

Questions and Answers, visit:

http://www.fhwa.dot.gov/civilrights/programs/ada_sect504qa.cfm

For More Information on the
Technology Transfer Center programs,
please visit us at:

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