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From: DiCostanzo, Frank P (DOT)
Sent: Tuesday, November 08, 2016 1:48 PM
To: Giglio, Albert J.; Mcintosh, James R.
Cc: Koss, Richard J.; Nabewaniec, Jason M.; Bonnif@CityofRochester.gov
Subject: ADA 1R Projects

Good Afternoon Jim and Al,

Since there will be several 1R Hwy PM projects starting soon, I wanted to update you on the most recent ADA requirements. Please forward this e-mail to anyone on staff and your consultants.

Any questions, please ask.

This e-mail contains some overview and clarifications for correcting pedestrian deficiencies of sidewalks and ramps on your facilities for simple 1 R preventative maintenance projects. This e-mail is not a substitute for your own review of DOJ, FHWA, and applicable ADA laws and regulations. You should become familiar with applicable federal regulations and their various policies and procedures. **Please Note:** Policies and design practices should be reviewed on an ongoing basis and checked with latest guidelines and requirements of federal ADA guidelines. HDM Chapter 7 and the Standard Sheets for Pedestrian Facilities are being revised and updated and will be published within a few months in a EB.

Mert Edwards is the Region 4 ADA Coordinator and is assisted by Jon Harman and are responsible for oversight and guidance for ADA compliance for on-system (NYSDOT) projects. Both are available for support and guidance for local projects through the RLPL. **RLPL will act as the point person.**

Overview

The intent of ADA is to ensure nondiscrimination and access for all individuals with disabilities. Pedestrian accessibility is a Civil Rights issue under the oversight of the DOJ. Public agencies are required by state and federal law to provide accessibility on the public Right-of-Way and meet current accessibility requirements. Failure could result in costly penalties and possible reimbursement of federal aid. To avoid penalties, you must meet minimum standards set by DOJ in adopted regulations for newly designed and constructed facilities. This includes existing facilities that may be encountered during maintenance type projects. The DOJ and DOT issued memorandum clarifying that ramps must be made ADA accessible not only for reconstructed and rehabilitated projects, but also when streets are resurfaced. As public agencies, these facilities need to be brought into compliance with current ADA standards through design and construction.

Maintenance type projects will become more numerous since our policy has shifted to a "State of Good Repair" philosophy versus building new or expanded infrastructure. It is imperative that these maintenance projects meet the current ADA standards.

Local Administered Federal Aid Projects

NYSDOT's Local Programs Bureau will provide support and guidance to local agencies receiving federal aid for their projects. ADA Accessibility Compliance was recently added to Chapter 13 of the PLAFAP Manual. RLPL will be contact for all questions and inquires.

Preventative Maintenance Projects (1 R)

New construction and design standards are included in Chapter 2 (design), Chapter 7 (1R, 2R, and 3R projects), and Chapter 18 (Pedestrian Facility Design under ADA). **Please Note:** a revised Chapter 7 and Pedestrian Standard Sheets are being circulated for review and approval. **ED 15-004 Design, Construction and Inspection of Pedestrian Facilities in the Public Right of Way....** Provides a consistent method of inspection and acceptance for pedestrian facilities and revise design and construction practices to ensure compliance with the Americans with Disabilities Act (ADA) on pedestrian facilities. This ED includes a table "Critical Elements for the Design, Layout and Acceptance of Pedestrian Facilities" which shows values to ensure pedestrian facilities are ADA compliant. The table also helps field personnel with methods to collect field measurements. If a pedestrian facilities cannot practically be made compliant, a justification in accordance with HDM Chapter 2 is required and can be justified using criteria outline in table.

By definition (see Chapter 7, section 7.3): 1R projects are resurfacing projects that include the placement or replacement of the top course (2" max) to extend the design life. 1R projects only need to address ramps and crosswalks. Signals, sidewalks and uncontrolled driveways do not need to be evaluated or corrected as part of 1R project.

Field Survey and Design

The following should be completed:

- All ramps and crosswalks that are within work limits should be inventory.
- Once the paving limits are chosen, only ramps and crosswalks that will be impacted by the paving, i.e. "touched by paving" should be identified, field measured, and tabulated. These will need to be addressed and updated to current standards during final design. You should update your "living" document transition plan once the modifications are complete.
- A table of ramps and crosswalks outside of the paving limits that will not be addressed and updated should also be tabulated and, if needed, added to your "living" document transition plan document.
- No ramps are required at intersection quadrants without any sidewalks or paved surface for pedestrian use.
- If it is found that a pedestrian facility cannot be updated to current standards, a Non Standard Feature (NSF) can be justified using criteria A through G in Exhibit 2-15A from ED 15-004. The NSF should be made compliant to the maximum extent practicable. A NSF should be signed by the Responsible Local official and licensed design professional making NSF and added to the file with a copy to RLPL.
- If you are replacing a curb ramp (not replacing a single element) because it doesn't meet 1991 guidelines, it should be designed and built to current PROWAG standards.
- Detectable warning units should be installed on ALL ramps whether or not you are altering the ramps or not.

Design, Construction and Inspection of Pedestrian Facilities to meet ADA compliance is in flux and will be in the near future. Also, sponsors and design consultants will have a "learning curve" for the next several projects. All RLPLs will be available to answer any of your questions and inquires.

If you or your consultants have any doubt on how to proceed with design at any ramp locations, please reach out to your RLPL for clarification.

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