



Brian A Blanchard
08/20/2003 03:19 PM

To: FDOT-DDE DPME
cc: H Dean Perkins/CO/FDOT@FDOT, Jim Mills/CO/FDOT@FDOT,
Thomas R Bane/CO/FDOT@FDOT, Kenneth E
Weldon/CO/FDOT@FDOT, Robert Greer/CO/FDOT@FDOT, Freddie
L Simmons/CO/FDOT@FDOT
Subject: Urgent- ADA Compliance Requirements

Below is a copy of the letter I recently sent to FHWA asking for relief on ADA requirements for 3R projects. This request for concurrence in FDOT policy is a result of my conversations with other states and a member of the ADA Access Board.

The second attachment is FHWA's favorable response. Please apply this new policy on projects where it will not negatively affect your production schedules.

One statement in FHWA's letter states "*The District's will consult with the FHWA before excluding from a RRR project any replacing or retrofitting of existing ramps to meet the ADA criteria*". This will require the districts to copy FHWA on any design variances where the ramps are not addressed due to infeasibility.

Let me know if you have any questions. We will discuss this at the next DDE/DCPME meeting.



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ADA requirements on RRR.doc

Brian A. Blanchard, P.E.
Florida Department of Transportation
State Roadway Design Engineer
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email: brian.blanchard@dot.state.fl.us

August 11, 2003

Mr. Jim St. John
Division Administrator
Federal Highway Administration
Florida Division Office
227 North Bronough Street, Suite 2015
Tallahassee, Florida 32301

Dear Mr. St. John:

Subject: ADA Compliance Requirements for Resurfacing, Restoration, and
Rehabilitation (RRR) Projects

The Florida Department of Transportation is seeking clarification on ADA compliance requirements for RRR projects. This clarification will allow us to update our criteria on ADA compliance in the Plans Preparation Manual.

The Department has posted Interim Index 0304, Public Sidewalk Curb Ramps, to the 2002 Design Standards and the 2000 Roadway and Traffic Design Standards (Metric) on the Roadway Design Office Web site. This Interim Index provides requirements and details for detectable warning ramp surfaces using truncated domes, replacing requirements and details for tactile ramp surfaces.

The inclusion of Interim Index 0304 in contract plans was mandatory on all projects beginning with the January 2003 letting. For contract plans let prior to January 2003, use was discretionary, although districts could use this Interim Index to the extent practical without adverse impact to production schedules or budgets.

This revision was issued to comply with requirements for detectable warning surfaces in accordance with ADA 28 CFR Part 36 "ADA Standards for Accessible Design," as described in the "Americans with Disabilities Act Accessibility Guidelines" (ADAAG), Section 4.29.2. The revision includes new design recommendations for the dimension and placement of the domes on curb ramps. FHWA and the U.S. Access Board encouraged the use of the new design over the original.

As you are aware, the Department has been constructing curb ramps for many years. However, these existing ramps do not have truncated dome surfaces, and many were not constructed in compliance with ADA requirements for slopes, landings, etc. Furthermore, many existing sidewalks and driveways do not meet ADA slope requirements.

It is our proposed policy on RRR projects on curbed facilities, that curb ramps are brought into compliance with ADA requirements. This would involve installing new curb ramps at crosswalks where none exist, replacing existing substandard curb ramps, and retrofitting truncated domes on existing ramps that otherwise comply with current requirements. Other than addressing curb ramp requirements, there would be no RRR criteria requiring that existing sidewalks and existing driveways with respect to current ADA requirements be addressed. However, any new sidewalk and/or new driveway construction or reconstruction that is planned as part of a RRR project would be designed in accordance with ADA requirements. For example, if a section of sidewalk is being relocated to accommodate a turn lane, the new sidewalk will be designed to meet ADA requirements. Likewise for any other new sidewalks that are being installed as a part of a RRR project. Unaltered portions of existing sidewalks will not be upgraded to meet ADA requirements except as determined as desirable by the project manager. This policy is consistent with feedback received from Dennis Cannon, Technical Advisor at the US Access Board and John Wodatch, Assistant Director for the Civil Rights Division of the US Department of Justice (DOJ).

Districts will be advised to include replacing or retrofitting existing ramps on all RRR projects to bring these features into compliance unless such improvements are determined to be infeasible. Sidewalk and driveway replacements for accessibility upgrades will not be included unless similar work is included in the project. On some existing ramps, this may involve methods for providing detectable warnings with the required contrast, i.e., rubber mats, plastic mats, tiles, pavers, etc. Sidewalk and driveway replacements for the sole purpose of meeting ADA requirements will not be a requirement due to the impacts on construction costs, business access, and roadway capacity.

Many of these issues have no clear guidance on ADA compliance for RRR projects. We are requesting your support of this proposed policy.

Sincerely,

Brian A. Blanchard, P.E.
State roadway Design Engineer

BB/JM/kn

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U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FLORIDA DIVISION
227 N. BRONOUGH STREET, SUITE 2015
TALLAHASSEE, FLORIDA 32301
(850) 942-9650



August 18, 2003

IN REPLY
REFER TO: HPO-FL

Mr. José Abreu
Secretary of Transportation
Florida Department of Transportation
605 Suwannee Street
Tallahassee, Florida 32399

Attention: Mr. Brian A. Blanchard

Dear Mr. Abreu:

Subject: Americans with Disabilities Act (ADA) Compliance Requirements for
Resurfacing, Restoration, and Rehabilitation (RRR) Projects

The Federal Highway Administration (FHWA) is providing clarification of our policy on ADA compliance requirements for RRR projects, to assist you in updating the criteria in design manuals as described in your letter of August 11, 2003.

We understand that the Department has posted Interim Index 0304, Public Sidewalk Curb Ramps, to the 2002 Design Standards and the 2000 Roadway and Traffic Design Standards (Metric) on the Roadway Design Office Web site. This Interim Index should provide the minimum requirements as detailed in the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG), as amended through September 2002, Section 4.1 Minimum Requirements.

We are aware that many existing sidewalk ramps do not have truncated dome surfaces, and that many do not meet the requirements for slopes, landings, etc. Also, many existing sidewalks and driveways do not meet ADA cross slope and protruding objects requirements.

Based on our review of your proposal we offer the following points to clarify our policy:

- We concur that curb ramps should be brought into compliance with the ADA requirements including the placement of truncated domes for:
 1. New curb ramps at crosswalks where none exist,
 2. Replacing existing substandard curb ramps, and

3. Retrofitting existing ramps that otherwise comply with current ADA requirements.

- We agree any new sidewalks or new driveways, or reconstruction of existing sidewalks or driveways that are planned, as part of a RRR project, will be designed and constructed in accordance with current ADA requirements.
- We agree that unaltered portions of existing sidewalks or driveways should not be upgraded for the sole purpose of meeting ADA requirements, except as determined desirable by the project manager and that sidewalk and driveway replacements to meet upgrade criteria, and will not be included unless similar work is included in the project. However; if a valid complaint is documented in the area, the appropriate ADA compliant modification to the sidewalk(s) or driveway(s), should be completed within one calendar year of complaint validation.
- The District's will consult with the FHWA, before excluding from a RRR project any replacing or retrofitting of existing ramps to meet the ADA criteria.

Should you have any questions concerning our policy, please contact me at (850) 942-9650, extension 3022.

Sincerely,

/s/ J. Chris Richter
For: James E. St. John
Division Administrator