

Title: MaineDOT ADA Compliance Policy for Construction and Maintenance

Discipline: General Engineering

Originators: Theresa Savoy and Stephen Landry

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Approved By: Joyce Taylor, Chief Engineer

Overview

MaineDOT is responsible for implementing the requirements of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act (ADA), and all applicable enforcement regulations on its transportation facilities. This policy identifies actions necessary to comply with ADA requirements, consistent with MaineDOT's Comprehensive Transition Plan Update, as work is performed on the highway and bridge system.

General

Newly constructed, reconstructed, or rehabilitated pedestrian facilities will fully meet current ADA accessibility standards. MaineDOT will maintain its design guides and Standard Details in a manner to ensure all elements of current ADA compliance are incorporated into roadway improvements as required by this policy.

Alterations and Maintenance

Whenever pedestrian walkways or other right-of-way elements intended to assist pedestrian traffic are altered as part of a roadway improvement effort, those walkways and elements must be upgraded to meet current ADA standards. While many maintenance activities are not considered alterations and do not trigger requirements to perform ADA upgrades, most other work, including surface paving treatments and traffic signal replacements, do cause ADA improvements to be made. Table 1 below provides the minimum ADA upgrades required for a variety of work scopes.

Consideration beyond minimum requirements:

In determining the extent of ADA improvements to perform within the limits of work, consideration should be given to the accessibility of existing pedestrian facilities in context with the local pedestrian use and needs.

- Areas of heavy pedestrian use or the presence of hospitals, retirement centers, veteran facilities, schools, libraries, government buildings, etc. would give compelling reason to consider more extensive upgrades, particularly if there are physical barriers along the adjacent sidewalk. In these areas, guidance should be sought with lead unit management or the Director of the Civil Rights Office regarding the extent of ADA improvements.
- If multiple ADA modifications are being made to meet the minimum requirements, consideration should be given to upgrade all pedestrian facilities within the project limits rather than leave a patchwork of compliant and non-compliant ADA elements.

- The extent of work for traditional improvement scopes should not be altered solely to avoid the requirements of this policy.

Crosswalks and curb ramps:

Any paving activity affecting an existing crosswalk is considered an alteration that requires accessibility review and upgrades.

- When a crosswalk is altered, curb ramps must be installed or brought to current ADA standards where the crosswalk connects to a sidewalk or other pedestrian walkway.
- When a crosswalk is altered at an intersection, upgrades will be made at all corners, even if outside the project limits.
- Curb ramp upgrades will be made as required at driveway/crosswalk crossings when paving activities impact crossings.
- Current standards will be met for all required and applicable curb ramp elements including slopes, width, cross slope, landing area and detectable warnings.

Figures 1 and 2 illustrate the minimum upgrades that will be addressed for typical paving treatments.

Pedestrian signal systems:

When the accessibility of an existing pedestrian signal system is impacted by an alteration, such as improper button height, slopes at pedestrian poles, etc., the pedestrian signal system must be upgraded to meet current ADA standards. The replacement of traffic signals and the relocation of pedestrian poles are also actions that require upgrade of the entire pedestrian signal system.

Exceptions:

Technically infeasible situations:

If it is technically infeasible or physically impractical to meet all current ADA standards, the standards will be met to the maximum extent possible. Locations where full compliance is not feasible will be documented in accordance with established procedures. If the non-compliant element cannot be improved enough to remove physical barriers, then Civil Rights Office, and others as appropriate, will be consulted to determine the appropriate course of action.

Federal "Safe Harbor" provision:

Federal regulations allow that existing accessibility elements constructed or altered prior to March 15, 2012 that comply with 1991 ADA Accessibility Guidelines do not have to be modified to comply with the 2010 standards. If this exception is utilized and detectable warnings are not present, detectable warnings will be added at locations determined appropriate as described in the Alterations and Maintenance section above.

Responsibilities:

Capital Projects:

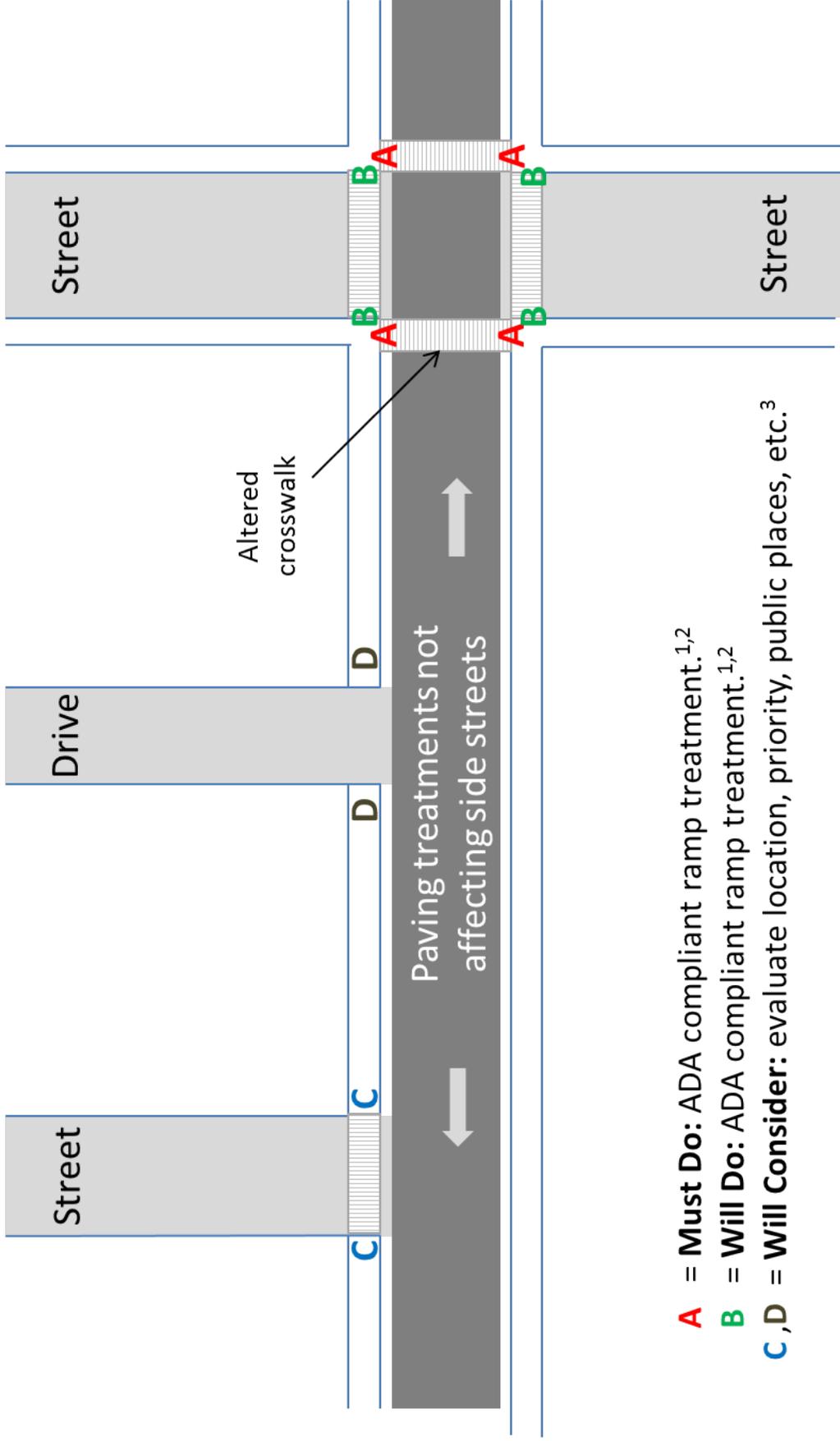
The lead unit in charge of proposed work is responsible for reviewing existing pedestrian and accessibility elements within the limits of the project and determining what ADA improvements must be made in accordance with this policy. The lead unit will cause the improvements to be made as part of the project contract, or immediately thereafter through whatever means is determined appropriate (a separate contract, MaineDOT forces, etc.). The cost of the ADA improvements will be paid under the associated improvement project.

Light Capital Paving Projects (LCP):

The Region Engineer is responsible for reviewing existing pedestrian and accessibility elements within the limits of the project and determining what ADA improvements must be made in accordance with this policy. The Region Engineer will cause the improvements to be made during the LCP project, or immediately thereafter through whatever means is determined appropriate (a separate contract, MaineDOT forces, etc.). The cost of the improvements will be paid under the associated LCP WIN for that paving area.

TABLE 1
Required ADA improvements by scope of work

Type of Work (Scope)	ADA IMPROVEMENTS NEEDED	MINIMUM IMPROVEMENTS
New Construction, Reconstruction, or Rehabilitation–	YES	Pedestrian facilities constructed or upgraded to meet current ADA requirements within the project limits.
Paving Treatments, including: Mill and fill, Overlays, Micro-surfacing, Light Capital Paving, Ultra-Thin Bonded Wearing Course, Hot or Cold In-Place Recycling, PMRAP,	YES	Upgrade curb ramps where treatment crosses or impacts existing pedestrian elements or routes within the project limits. If a crosswalk is altered at an intersection, all corners will be upgraded even if outside the project limits. Upgrade pedestrian signals to current ADA standard if the improvement affects the accessibility of the system.
Signal – new location, that warrant pedestrian facilities	YES	Install or upgrade intersection pedestrian facilities to meet current ADA standards including curb ramps and pedestrian signal systems.
Signal Replace in Kind	YES-	Upgrade intersection pedestrian facilities to meet current ADA standards including curb ramps and pedestrian signal systems.
Signal – modification involving excavation or ROW that warrant pedestrian facilities	YES	Upgrade intersection pedestrian facilities to meet current ADA standards including curb ramps and pedestrian signal systems.
Lighting	NO	
Striping	NO	
Maintenance Activities – Chip Seals, Crack filling and Sealing, Dowel Bar Retrofit, Fog Seals, Joint Crack Seals, Joint Repair, Pavement Patching, Scrub Sealing, Slurry Seals, Spot High-Friction Treatments, Surface Sealing.	NO	Note some combinations of these may require ADA upgrades.



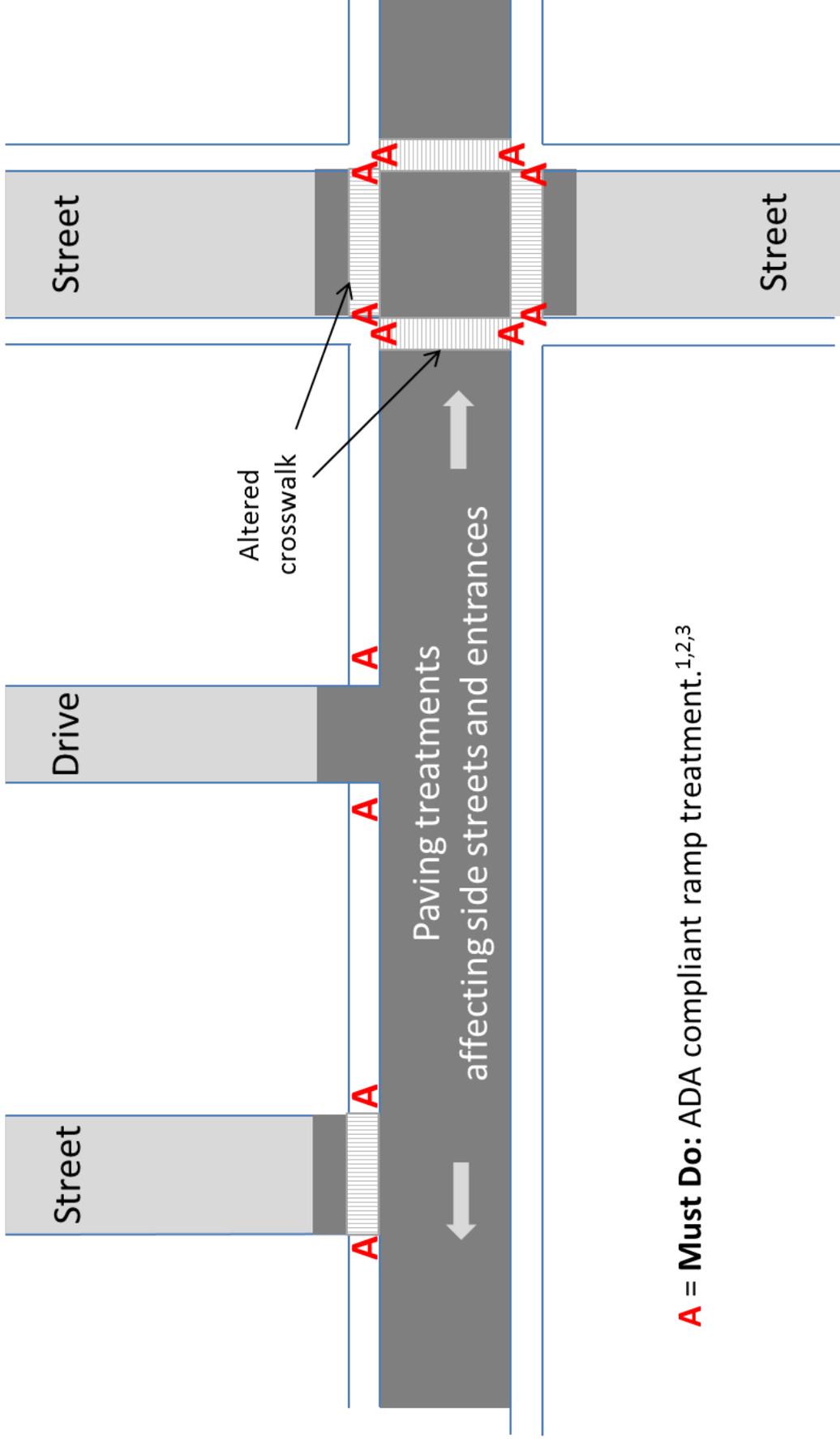
A = **Must Do:** ADA compliant ramp treatment.^{1,2}

B = **Will Do:** ADA compliant ramp treatment.^{1,2}

C, D = **Will Consider:** evaluate location, priority, public places, etc.³

1. Current ADA standards must be met unless existing ramps meet 1991 ADA Standards or 1991 UFAS.
2. Truncated domes will be installed at all modified ramps at roadway intersections, but not at drive crossings.
3. Consideration should be given to remove all physical barriers within the project limits along the roadway being improved and the adjacent sidewalks. Project guidance is available through the Highway Program Manager and the Director of the Civil Rights Office.

Figure 1



A = Must Do: ADA compliant ramp treatment.^{1,2,3}

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Figure 2