



SUBJECT ADA Design Exception Process	FINAL NUMBER RD10-03(B)	EFFECTIVE DATE 11/09/2010	VALIDATION DATE	SUPERSEDES New
WEB LINK(S) <a href="http://www.oregon.gov/ODOT/HWY/TECHSERV/technicalguidance.shtml">http://www.oregon.gov/ODOT/HWY/TECHSERV/technicalguidance.shtml</a>				
TOPIC/PROGRAM <u>Highway Design Manual</u>	APPROVED SIGNATURE  Original signed by:  Bob Pappé, PE, PLS State Traffic/Roadway Engineer			

*PURPOSE*

The Americans with Disabilities Act (ADA) in the Code of Federal Regulation allows for two exceptions to the ADA standards to be granted. The Highway Design Manual needs to clearly show the process for these type exceptions. This change is effective immediately.

*GUIDANCE*

The text in “Attachment A” and “Attachment B” will be added to the Highway Design Manual. All original design exceptions are stored in Technical Services.

*DEFINITIONS*

ADA – Americans with Disabilities Act  
CFR – Code of Federal Regulation  
HDM – Highway Design Manual

*BACKGROUND/REFERENCE*

The Americans with Disabilities Act was first introduced in congress in 1988 and formally signed into law on July 26, 1990. ODOT has developed design standards and direction that meet the requirements of this law. In almost all cases, the standards can be met.

The design exception process really did not allow a method to address those few cases where meeting the ADA standards can not be accomplished. This is because either the site conditions physically constrain the design or the site conditions require a design that would financially damage the agency.

These two conditions are the only exceptions allow in 28 CFR §35.150.

### *ACTION REQUIRED*

Attachments "A" and "B" will be inserted into the Highway Design Manual.

It is understood that this type of exception will not affect most projects and will be used in only the most unique project locations.

### *STAKEHOLDERS PROVIDING REVIEW*

Roadway Leadership Team  
Technical Leadership Team  
FHWA

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