

11.3.6 AMERICANS WITH DISABILITIES ACT (ADA)

ADA is a federal Civil Rights law that mandates both the private and public sectors to make their facilities accessible to the maximum extent feasible. For ODOT, that means that sidewalks and connections to private properties must be built so people with limited mobility and sight can easily use them. Most ODOT standards for sidewalks meet or exceed ADA requirements.

There are two conditions that rarely occur that are outside of the guidance given below. These are conditions where it is "technically infeasible" and "undue financial and administrative burden" to incorporate an ADA feature into a project. Both of these conditions require a design exception to be processed as outlined in Chapter 13.

Technical infeasibility is a condition where the pedestrian access route is restricted to such an extent that it is near physically impossible to construct the ADA feature or to add the ADA feature would threaten or destroy the historic significance of an historic property.

Undue financial and administrative burden is where the impacts of accommodation would fundamentally alter the nature of the service, program, or activity. The test for being unduly burdensome is the proportion of the cost for accessibility improvements compared to all of the resources available for use in the funding and operation of the service, program, or activity. The burden of proving that this condition exists is with the public entity. The decision that the pedestrian access would be unduly burdensome must be made by the head of the agency or that official's designee, accompanied by a written statement of the reasons for the decision.

See Code of Federal Regulation 28 CFR §35.150 for additional information on these conditions.

- **Width**

The 6 foot standard, 5 foot minimum sidewalk width meets ADA requirements; however, in very constrained areas, such as around obstacles that cannot be moved, a minimum passage of 3 feet must be maintained.

- **Grade**

ADA requires that constant grades be kept to 5% or below; short sections may be built up to 8.3% if a level landing is provided for every 2.5 feet in rise. However, for most practical applications, sidewalks parallel to the road are built to the grade of the land, so an exception is not required if a street is steeper than 5%. The requirement to keep grades below 5% (or 8.3% for up to a 2.5 feet rise) applies primarily to man-made features such as curb cuts, ramps to buildings, the dip created by driveways, etc.

- **Cross-slope**

The maximum allowable cross-slope for a walkway is 2%. For discussion purposes, 2% is considered "level." It is critical to maintain a 3 foot wide minimum level passage across driveways, curb cuts and road approaches (in crosswalks, marked or unmarked). The following techniques can be used to maintain a level area at driveways and prevent exaggerated warp and cross-slopes.

- Reduce the number of accesses, reducing the need for special provisions at every driveway;
- Separate the sidewalks from the curb with a buffer; this allows the sidewalk to remain level, with the driveway grade change occurring in the planting strip;
- Where constraints don't allow a planting strip, wrapping the sidewalk around the driveway entrances has a similar effect;
- Dip the entire sidewalk to keep the cross-slope at a constant grade on curbside sidewalks.

In downtowns, sidewalk grades are influenced by the elevation of building entrances. A level (2 % cross-slope) area should be provided in the middle of the sidewalk; any warpage should be handled within the area adjacent to the buildings, or within the outer edge, where signs and trees are most likely to be placed. See Standard Drawings [RD720](#), [RD725](#), [RD730](#), [RD735](#), [RD740](#), [RD745](#), and [RD750](#) for detailed driveway construction drawings.

- **Curb Cuts**

ADA requires two curb cuts per corner at intersections for new construction, as one oblique cut may direct users into the travelway. Curb cuts constructed as part of preservation, 3-R or sidewalk infill projects are considered retrofits, not new construction. A 3 foot wide passage with a cross slope of 2% must be maintained behind curb cuts.

As the corner radius increases, it becomes more and more difficult to place two ramps that are in line with the crosswalks and the approaching sidewalks. Attempts to move the crosswalks away from the intersection to achieve better ramp geometry may place the crosswalk too far from the intersection for safety. In these circumstances, one diagonal ramp is acceptable. See Standard Drawing [RD760](#) for detailed curb cut construction drawings.

- **Designing for the Vision-Impaired**

Pedestrian facilities should be designed so people with impaired vision can track their way safely along the sidewalk, across approaches and through intersections. Keeping the sidewalk clear of obstructions is important.

ATTACHMENT "A" of RD03-10(B)

The most critical areas for the vision impaired are locations where street crossing points may not be readily apparent to motorists, for example at a corner with a large radius. Complex intersections with many turn lanes, skewed angles and slip lanes with free-flowing traffic are particularly confusing to the blind. There are several techniques that can help reduce confusion:

- Keep the radius as tight as possible and place the crosswalks in areas where they are expected: in line with the approach sidewalks;
- Provide a clear and straight path through raised islands, pointed straight at the crosswalks; and
- Use special surface texture at curb cuts to identify the edge of the roadway.

13.3.2 ADA Exceptions

There are two conditions that will be considered for design exceptions on ADA features; technical infeasibility, and undue financial and administrative burdens. (See Chapter 11 for definitions on both conditions.)

When a feature is technical infeasible, the design exception is processed with no changes to the process outlined in this chapter.

An undue financial and administrative burden exception to ADA will follow the process outlined in this chapter and in addition must be agreed to in writing by the head of the public entity or their designee. For ODOT this is the Highway Division Administrator. The memorandum for the head of the public entity's signature will include the design exception that gives justification for the decision that the ADA feature is an undue burden financially for that public entity.

For ODOT projects use the following memorandum and for local agency projects use the same text as appropriate.



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation
Technical Leadership Center
Roadway Engineering Services

4040 Fairview Industrial Dr. SE, MS #5
Salem, Oregon 97302-1142
Phone: (503) 986-3568
Fax: (503) 986-3749

To: Paul Mather, PE
Highway Division Administrator

From: Bob Pappe, PE, PLS
State Traffic/Roadway Engineer

Project Key Number:
Section Name:
Highway Name:
County Name:

Declaration of Financial and Administrative Burden For ADA Non-compliance

In accordance with the Code of Federal Regulation 28 CFR §35.150 it is determined that the agency can not include the specific ADA feature(s) with this project because of the financial and administrative burden that inclusion would cause to this public entity.

The specific ADA feature(s) not included in the project: *<insert the specific feature that will not be constructed here.>*

The documentation for the justification of this declaration is included in the design exception for this project and attached to this memorandum.

I concur with this declaration.

Date: _____

Highway Division Administrator
Oregon Department of Transportation