



## Delivery & Operations Division Maintenance & Operations Operational Notice

Number	Supersedes	Effective Date	Cancellation Date
MG 14-04	New	June 24, 2020	N/A
Subject		Issuing Body	
Permitting Rerouting Pedestrians into ODOT Roadways to Accommodate City Sidewalk Closures		<i>Lucinda Moore</i> <hr/> Luci Moore Maintenance and Operations Engineer	

**PURPOSE:**

To provide direction on when it may be appropriate to allow the parking area of a state highway to be used as a temporary pedestrian path when the City has closed their sidewalk to accommodate expanded restaurant seating or other business use to maintain social distancing related to COVID-19. This direction is not intended to be a permit attachment but rather to help in determining when or if a permit is appropriate and if so, what to include as a permit provision.

**BACKGROUND**

With the need for social distancing due to COVID-19, several Cities have asked about allowing restaurants and other local businesses to expand onto sidewalks and into the roadway. The issues are complex in these urban environments due to ownership variations in the sidewalk and roadway, and the use of Highway Trust Funds allowed by the Oregon Constitution. There are also safety, mobility, and ADA issues to be taken into account.

While we recognize the economic impact COVID-19 closures have had, restaurant seating and other private business use of the state highway would not be consistent with the use of Highway Trust Funds so should not be allowed by permit.

Based on conversations with Department of Justice, Maintenance Leadership Team and Traffic-Roadway, it was determined that the parking area of the state highway may be used as a temporary pedestrian path when the City has closed their sidewalk to accommodate expanded restaurant seating or other business use to maintain social distancing related to COVID-19.

**GUIDELINES:**

Each request should be considered on a case-by-case basis. At the District Manager’s discretion a Miscellaneous permit may be issued when:

- The City owns the sidewalk immediately adjacent to a state highway and the state highway includes a designated parking area.

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- The City is closing the city sidewalk to allow expanded restaurant seating or other business use and desires to close the parking area to create a temporary pedestrian path.
- The parking area is used only as a temporary pedestrian path. No tables, chairs, benches, planters, signs other than official traffic control devices, or other items are placed in the roadway.
- There would not be an impact to freight movement or an overall negative impact on pedestrians or motor vehicle traffic.
- There is no nearby highway construction, maintenance or Utility permitted work scheduled that would conflict with the proposed pedestrian routing.
- The speed of the state highway is 30 mph or less.
- The area is not immediately adjacent to rail tracks.
- Disabled parking space(s) or loading zones are not impacted or any impact will be mitigated by the City.
- The parking area closure is as at least 40 feet away from any bus stop unless the City has coordinated the temporary relocation of the bus stop.
- The alternate pedestrian path would be at least 5 feet away from an alley or driveway unless the alley or driveway is closed to mitigate the impact.
- The City obtains a permit for use of the State Highway.

The City would be responsible for all aspects of the activity including: ADA accommodations (temporary curb ramps, parking spaces, etc.), traffic control, determining the appropriate number of parking spaces that are closed, the cleanup of litter and debris and mediating any potential tripping hazards, and repair of any damage to the state highway caused by the activity.

A standard Miscellaneous permit would be issued to the City. The permit should clearly describe the state highway parking area to be closed and the City's responsibility to provide a clearly marked pedestrian path that meets current ADA standards.

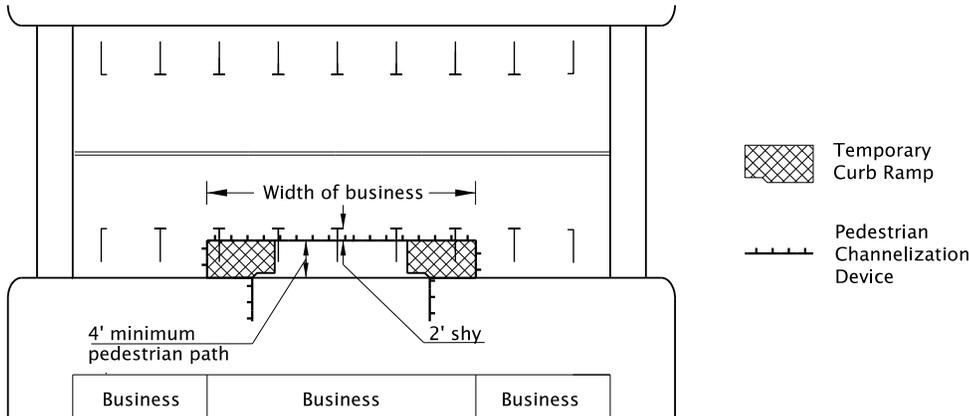
Proof of insurance with ODOT named as an additional insured should be required.

The parking area is to be closed using Pedestrian Channelizing Devices (PCD) meeting ODOT standard specification 00225.12 and interlocked to form a rigid, stable, continuous guidance system. Ballasts are to be used as necessary on the legs of the PCD for stability. A minimum 2' of shy between traffic and the pedestrian path is to be maintained.

When the parking area to be closed is not accessible by an existing curb ramp, a temporary curb ramp (as specified in the [ODOT Standard Detail – Temporary Sidewalk Ramps](#)) to accommodate pedestrians is to be in place. The City is to remove the temporary curb ramp and restore the parking area at the expiration of the permit.

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This is a sample of a mid-block parking area closure, included only for the district's information. It would be the City's responsibility to determine the appropriate layout for the specific parking area closure.



The closure of the parking area should be short term as determined appropriate by the District Manager. If the City desires continual or long term use of the state highway parking area, consideration should be given to adjusting the curb line to allow the City additional width for their sidewalk to accommodate their desired uses.

The permit maybe cancelled at the District Manager's discretion such as if the activity creates an obstruction to or causes congestion of pedestrians or motor vehicle traffic or otherwise creates a safety hazard; or interferes with the construction, maintenance or operation of the state highway. In the event of emergency highway or utility repair, the City may be asked to clear the parking area to accommodate the emergency repair.

If the permit request does not meet these criteria, a permit should not be issued. However other alternates may be available including:

- Using city streets for the restaurant seating and allowing local traffic to be detoured onto the state highway
- Using alleys or empty lots near the businesses for additional seating.
- Suggesting the city close their sidewalk to be used for additional restaurant seating and reroute pedestrian traffic to the sidewalk on the other side of the street to separate them from the eating areas.

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