



OREGON DEPARTMENT OF TRANSPORTATION TECHNICAL SERVICES
TECHNICAL SERVICES DIRECTIVE

SUBJECT Curb Ramp Scoping & Right of Way	FINAL NUMBER TSB18-03(D)	EFFECTIVE DATE 03/01/19	VALIDATION DATE	SUPERSEDES or RESCINDS
WEB LINK(S) https://www.oregon.gov/ODOT/Engineering/Pages/Technical-Guidance.aspx				
TOPIC/PROGRAM ADA Program	APPROVED SIGNATURE Original signed by: Michael J Kimlinger, PE State Traffic Roadway Engineer			

PURPOSE

This memo is intended to provide general guidance in the upcoming 2022-2024 project scoping efforts regarding curb ramps and the need to acquire right of way. Use on current projects if possible. This technical directive applies to all curb ramp work on or along the State Highway System.

GUIDANCE

The granting of design exceptions for not meeting design criteria for curb ramps is more stringent than granting design exceptions for other roadway features. The appropriate justifications regarding right of way acquisition for curb ramp design exceptions is limited. Right of way will be acquired for construction of curb ramps in efforts to meet the curb ramp design criteria. Pedestrian pushbutton requirements are to be included when considering right of way acquisition.

DEFINITIONS

ADA – Americans with Disabilities Act

“on or along the State Highway” – includes public sidewalk and accessible route features that are adjacent to the state highway road system regardless of who has public ownership, public easements, or intergovernmental agreements of the underlying property where the accessible route feature resides.

BACKGROUND/REFERENCE

ODOT is responsible for providing pedestrian facilities usable by everyone, including people who have disabilities. Policies are being updated in an effort to provide accessible features in the most efficient and cost-effective manner. A scope that fully incorporates accessible design at the earliest opportunity may prevent ODOT from redesigning and reconstructing sidewalks and curb ramps in the future as project scopes change in the same locations. Region staff is to use the following guidance in scoping efforts, until this directive is rescinded.

EXPLANATION

The intended goal, starting with scoping and ending with a constructed project, is to develop projects that are designed using a process that results in constructing the most compliant curb ramp regardless of right of way acquisition.

RESPONSIBILITIES

Scoping efforts may include ODOT staff, consultant partners, and local agencies (certified and non-certified) when developing project business cases and estimates. All parties involved in scoping of the STIP or other ODOT programs should use this directive to improve projected estimates and timelines for project delivery when scoping accessible (ADA) infrastructure.

ACTION REQUIRED

Assume that all curb ramps included in the scope of work may not meet all design criteria within the existing right of way footprint. Many curb ramps are unable to be built within the existing footprint because of the required slopes and grading requirements.

Designers should assume that right of way will be required for the installation of new curb ramps or alterations of existing curb ramps. This might be in the form of fee, permanent easements, or temporary construction easements. Potential justification for not acquiring Right of Way for constructing compliant curb ramps is rare but may include:

- Significant buildings at the back of sidewalk or directly adjacent to right of way.
- Qualified historic feature as a physical constraint. Approval of ADA design exception may require approval of qualified historic features at the federal level State Historic Preservation Office (SHPO).
- When acquisition of right of way to construct compliant curb ramp may result in significant loss of business use of adjacent property.

Examples of inadequate justification that will be rejected:

- Avoiding right of way acquisition by constructing one curb ramp instead of two curb ramps at an intersection/corner.
- Avoiding right of way acquisition due to complexity of solution (i.e. retaining wall).

SPECIAL INSTRUCTIONS

May be used immediately – no restrictions.

CONTACT INFORMATION

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