

 <p style="text-align: center;">Bulletin Statewide Program Unit Certification Program Office (CPO)</p>	NUMBER	101_19	SUPERSEDES	New
	EFFECTIVE DATE	12/28/2016	PAGE NUMBER	1-2
	REFERENCE	ODOT Certification Program		
	TARGET AUDIENCE	Fully and Conditionally Certified Local Public Agencies (“CLPAs”), R1, R2, and R3 Region Managers, and ODOT Local Agency Liaisons, ODOT Subject Matter Resources		
SUBJECT	Americans with Disabilities Act (ADA) Design Exceptions and Inspections		CC	FHWA – Oregon Division, ODOT Active Transportation Manager, ODOT Traffic-Roadway Section Manager, ODOT ADA Program Manager, ODOT Office of Civil Rights ADA Coordinator

PURPOSE:

This bulletin notifies certified local public agencies (CLPAs) of the requirement to receive ODOT/FHWA approval of ADA design exception and curb ramp inspection processes. It also advises CLPAs of how to operate on FHWA-funded projects until such time as the CLPA’s ADA design exception and inspection processes for curb ramps have been approved.

Finally, this bulletin directs CLPAs, both before and after they have received ODOT/FHWA approval of their ADA design exception and curb ramp inspection process, that all work pertaining to curb ramps and pedestrian signals on or along the state highway system shall use ODOT’s processes to determine the extent of the work that is triggered and shall use ODOT’s processes for design and inspection of the work.

This bulletin also incorporates by reference the requirements of the following ODOT Traffic-Roadway Section Technical Services Bulletins, which are posted at:

<https://www.oregon.gov/ODOT/Engineering/Pages/Technical-Guidance.aspx>

- RD 16-01(B)- ADA Curb Ramp Design Exception Request Form and ADA Curb Ramp Guidance
- TR 16-01(B)- Traffic Signal Design Manual-Pedestrian Signal Equipment Layout for 2017 Edition, Chapter 5.4
- TR 16-02(B)- Traffic Signal Policy and Guidelines Manual-Audible Pedestrian Signals/ADA Updates for 2017 Edition

BULLETIN INFORMATION:

1. ADA Design Exceptions:

All CLPAs are required to have an ODOT/FHWA approved Design Exception Process. The highest priority at this time is the CLPA’s ADA design exception process. A CLPA’s written process must address how the agency will document and approve ADA design exceptions for curb ramps and pedestrian-activated signals. Until ODOT notifies a CLPA that its written design exception process for ADA has been approved, the CLPA shall follow ODOT’s curb ramp design, design exception processes, and curb ramp inspection process and form listed in section 6 below. Submit to ODOT for review and approval all curb ramp, and pedestrian-activated signal design exceptions and completed curb ramp inspection forms.

Design exceptions must be submitted through a CLPA’s regional Local Agency Liaison (LAL) to the State Traffic Roadway Engineer for review, and if appropriate, approval. ODOT encourages CLPAs to submit proposed design exceptions as early as possible in the design process, ideally at the Design Acceptance Package (DAP) phase to allow for early resolution of project design issues. The CLPA’s DAP should be

sufficiently developed to identify whether any additional Right-of-Way is needed to design and construct compliant curb ramps or pedestrian-activated signals. It is important to allow sufficient time for ODOT's review and approval process (typically, two to four-weeks). All design exceptions, including ADA-related exceptions, must complete the review and approval process before PS&E submittal can continue.

2. Curb Ramp Standards:

Curb ramp design exceptions are required whenever compliance with all of the following cannot be met:

- Ramp running slope of 7.5% or less
- Cross slope of 1.5% or less
- Counter slope of 5% or less
- Installation of Truncated domes
- Minimum width/clear space of 48"
- Minimum turning space of 48"x48"
- Individual curb ramp for each direction of pedestrian travel, typically 2 curb ramps per corner (diagonal ramps allowed only with a design exception)

3. Curb Ramp Inspections:

All CLPA's are required to have an ODOT/FHWA approved written ADA curb ramp inspection process and standard inspection form to document that all newly constructed curb ramps are compliant. Until ODOT notifies the CLPA that its written curb ramp inspection process and standard inspection form have been approved, the CLPA shall use ODOT's curb ramp inspection form to provide evidence of compliance with the following ADA requirements:

- Ramp running slope of 8.3% or less
- Cross slope of 2.0% or less
- Counter slope of 5% or less
- Installation of Truncated domes
- Minimum width/clear space of 48"
- Minimum turning space of 48"x48"
- Individual curb ramp for each direction of pedestrian travel, typically 2 curb ramps (diagonal ramps allowed only with a design exception)
- Evidence there an approved design exception justifying each non-compliant feature of this curb ramp

All CLPA's shall submit to the ODOT Local Agency Liaison a completed curb ramp inspection form that documents that each curb ramp constructed or modified by a federal-aid project is ADA compliant. ODOT will perform quality assurance on up to approximately 10% of the constructed curb ramps.

The CLPA shall ensure all ramps are shown to be compliant or have a written, approved design exception for the non-compliant feature(s) recorded in the inspection form before final closeout and acceptance (equivalent to ODOT's Third Note).

4. Traffic Signals and Pedestrian Activated Beacons:

Pedestrian Push Button Design exceptions are required whenever compliance with all of the following cannot be met:

- Horizontal reach to the push button is 10 inches maximum.
- Clear Space to access the pushbutton is within the 10 inch horizontal reach and unobstructed. The Clear Space is 30"x48" for a parallel approach or 36"x48" for a head-in/back-in maneuver with a maximum design cross slope of 1.5%

- Obstructed Turning Space is 48" x 60" (Signal Equipment is an obstruction).
- Vertical reach to the pushbutton is 42" to 48" from the adjacent finish grade.

5. New Project Agreements Provisions:

The following intergovernmental agreement provisions have been developed to facilitate implementation of these ADA-related requirements. Until such time as a CLPA has ODOT/FHWA-approved design exception and curb ramp inspection processes in place, the following provisions will be included in each project supplemental agreement. Once a CLPA's design exception and curb ramp inspection processes have been approved, the provisions will be revised or amended as appropriate to authorize the CLPA to apply local design exception and curb ramp inspection processes on locally-owned facilities. However, the CLPA will still be required to follow ODOT's design exception and curb ramp inspection processes for work on or along the Oregon State Highway system.

Americans with Disabilities Act Compliance:

- a. **General:** Agency agrees to comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 ("ADA") as identified in paragraph 1 of the **General Provisions** section of Local Agency's Certification Program Agreement, and to utilize ODOT standards to assess and ensure Project compliance with the ADA.
- b. **ADA Design Standards and Construction Specifications:** Agency agrees to comply with ODOT's current, ADA-related design standards, construction specifications, and design exception documentation and approval requirements for design, modification, upgrade, or construction of Project sidewalks, curb ramps, and pedestrian activated signals on both the Oregon State Highway System (state highway) and on the local agency system, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, and current ODOT Curb Ramp Inspection form.
 - i. **State's ADA Inspection Forms:** Prior to issuing the Second Notification pursuant to Oregon Standard Specification 00180.50(g), or Agency's approved equivalent, Agency agrees to submit an ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State's Regional Local Agency Liason for each curb ramp designed, constructed, upgraded, or modified for this Project. The completed form is the required documentation from Agency showing that each curb ramp meets ODOT standards and is ADA compliant.

ODOT's fillable Curb Ramp Inspection [Form 734-5020](#) and instructions are available at the following website:
 - ii. **State inspection:** Agency shall promptly notify State of Project completion and allow State to inspect Project sidewalks, curb ramps, and pedestrian-activated signals located on or along a state highway prior to acceptance of Project by Agency and prior to release of any Agency contractor.
- c. **Reimbursement:** State will not reimburse Agency for work that does not meet the applicable ODOT standards without an approved design exception, regardless of whether the work is on a State-owned or an Agency-owned facility.
- d. **On-going Maintenance and Inspection Obligation:** Agency shall, at its own expense, maintain and periodically inspect any Project sidewalks, curb ramps, and pedestrian activated signals on portions of the Project under Agency's maintenance jurisdiction upon Project completion and throughout the useful life of the Project to ensure continuing compliance with ADA standards. This provision shall survive termination of the Agreement.

6. Approval of CLPA Design Exception and Inspection Processes:

ODOT acknowledges that CLPAs submitted documentation on ADA-related design exception and curb ramp inspection processes for review by ODOT and FHWA in December 2015. Because of the wide range of responses and information submitted, ODOT and FHWA's review identified that overall the CLPAs' submittals lacked sufficient detail to determine that CLPAs' processes were adequate to ensure ADA compliance.

In addition to the technical bulletins identified above, below are links to ODOT's resource documents and related forms used in ADA curb ramp inspection, evaluation, design, design exception approval requests:

https://www.oregon.gov/ODOT/HWY/ENGSERVICES/Pages/forms_home.aspx

- ADA Curb Ramp Design Checklist
- ADA Curb Ramp Design Exception Request Fillable Form
- ADA Curb Ramp Design Exception Request User Guidance & Instructions

<https://www.oregon.gov/ODOT/Engineering/Pages/Design-Exceptions.aspx>

- Exhibit "A" Curb Ramp Location and Numbering
- Exhibit "B"-Curb Ramp Types with Design Slopes
- ADA Ramp Inspection Form (Blended Transition)
- ADA Ramp Inspection Form (Combination Ramp)
- ADA Ramp Inspection Form (Cut-Through Island)
- ADA Ramp Inspection Form (End of Walk)
- ADA Ramp Inspection Form (Parallel Ramp)
- ADA Ramp Inspection Form (Perpendicular Ramp)
- ADA Ramp Inspection Form (Unique Design)
- ADA Ramp Inspection Form (Universal Form)

<https://www.oregon.gov/ODOT/Engineering/Pages/Details-Roadway.aspx>

- Detail 1720-Example of Minimum Sidewalk Ramp Details
- Detail 1721-Example of Minimum Sidewalk Ramp Details Instructions

ODOT will hold a workshop with CLPAs in the February / March 2017 timeframe to review ODOT's design exception process and curb ramp inspection form for CLPAs to use as an example or starting point to modify and further develop their own processes. This will be an opportunity to discuss issues and concerns and answer questions on how CLPAs can address these issues prior to updating and resubmitting their documentation on ADA-related design exception and curb ramp inspection processes for ODOT/FHWA approval.

Feedback:

We are always trying to continually improve. Please provide any feedback regarding this document to Tiffany Hamilton or Marilyn Merritt at ODOTcertification@odot.state.or.us.

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