

 <p style="text-align: center;">Bulletin Statewide Program Unit Certification Program Office (CPO)</p>	NUMBER	101_27	SUPERSEDES
	EFFECTIVE DATE	04/23/2018	PAGE NUMBER
	REFERENCE	ODOT Certification Program	
	TARGET AUDIENCE	Fully and Conditionally Certified Local Public Agencies, R1, R2, and R3 Region Managers, and ODOT Local Agency Liaisons, ODOT Subject Matter Resources	
SUBJECT	Americans with Disabilities Act (ADA) Submittal Requirement Update for Certified LPAs – Action Required		
	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:

To notify certified local public agencies (Certified LPAs), including conditionally Certified LPAs, about the following clarifying and supplemental information to the CPO Bulletin 101_19 on ADA Design Exception and Inspections issued December 28, 2016:

- Establish required due dates for Certified LPA ADA submittals – June 30, 2018 for a Certified LPA adopting ODOT’s ADA processes and September 30, 2018 for a Certified LPA seeking approval of its own ADA processes.
- Clarify the components to be included in a Certified LPA’s ADA submittal.
- Provide updated information about ODOT’s ADA-related agreement provisions, guidance, and processes, including the [ODOT ADA Curb Ramp Process – Project Requirements](#) guidance document.

BULLETIN INFORMATION:

1. Background:

On December 28, 2016, [CPO Bulletin 101_19](#) notified Certified LPAs of the requirement to receive ODOT/FHWA approval of ADA design exception and curb ramp inspection processes. It also advised Certified LPAs how to operate on FHWA-funded projects until such time as their ADA processes are approved. Finally, the bulletin directed Certified LPAs, both before and after receiving ODOT/FHWA approval of their ADA processes, 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.

Since the issuance of CPO Bulletin 101_19, ODOT has established the components to be included in a Certified LPA’s ADA submittal (see section 3 below). ODOT has also updated its ADA-related standards, guidance, and processes that are required for use on or along the state highway system (see section 5 below).

As of April 2018, only a few Certified LPAs have submitted their updated ADA processes for ODOT/FHWA approval. A few others have indicated they will follow ODOT’s ADA processes.

However, due to recent and significant updates, it is unclear whether all Certified LPAs are familiar with and understand ODOT's current ADA design and inspection processes. To ensure all Certified LPAs have ADA design and inspection processes that are adequate for use on federal-aid projects, ODOT has established due dates for Certified LPA ADA submittals based on whether the agency is adopting ODOT's ADA processes or is seeking approval of its own ADA processes (see section 2 below).

2. Due dates:

A Certified LPA is required to submit its ADA design exception and inspection processes to ODOTcertification@odot.state.or.us for review and approval by ODOT/FHWA no later than the applicable due date below:

a. Certified LPA adopting ODOT's ADA processes: June 30, 2018

For a Certified LPA that intends to follow ODOT's ADA design and inspection processes on its FHWA-funded projects, the agency shall notify ODOT of this policy in a letter, memo, or directive signed by the agency's chief transportation engineer, public works director, or other responsible authority. The Certified LPA shall also document this policy in the appropriate sections of its certification quality program plan. Submit the letter, memo, or directive and the agency's updated certification quality program plan to the ODOT Certification mailbox for review and approval no later than June 30, 2018.

The Certification Program Office will contact the Certified LPA to coordinate one or more meetings between the ODOT Certification Program Manager, ODOT State Traffic-Roadway Engineer and technical reviewers, and the agency's design and project management staff to ensure an adequate understanding and documentation of ODOT's ADA design and inspection processes for use on FHWA-funded projects and work on or along the state highway system.

b. Certified LPA seeking approval of its own ADA processes: September 30, 2018

For a Certified LPA that intends to submit its own ADA processes for review and approval, the agency's submittal should at a minimum address the components of an ADA process as outlined in section 3 below. Submit the agency's ADA processes and any related forms to the ODOT Certification mailbox for review and approval no later than September 30, 2018.

The Certification Program Office will coordinate review of the submittal with ODOT's Traffic-Roadway Section technical reviewers. After initial review and development of comments, the Certification Program will contact the Certified LPA to coordinate a meeting between the ODOT Certification Program Manager, ODOT State Traffic-Roadway Engineer and technical reviewers, and the agency's design and project management staff to discuss and resolve any issues with the agency's ADA processes for use on FHWA-funded projects and to ensure an adequate understanding of ODOT's ADA processes for any work on or along the state highway system.

3. Components of an ADA process:

a. Curb Ramp Design Standards:

All Certified LPAs are required to have an ODOT/FHWA approved curb ramp design standard. ODOT's standards have been adopted in the form of a design checklist and the

Oregon Standard Drawings. Design standard slope maximums shall be adjusted to include an appropriate construction tolerance. Certified LPAs proposed curb ramp design standards shall at a minimum include:

- Ramp running slope
- Cross slope
- Counter slope
- Installation of Truncated domes
- Minimum width/clear space
- Minimum turning space
- Individual curb ramp requirements for each direction of pedestrian travel
- Horizontal and vertical reach requirements to pedestrian push buttons (where required)
- Appropriate clear space requirements to access a pedestrian push button

b. ADA Design Exception Process:

All Certified LPAs are required to have an ODOT/FHWA approved Design Exception process. A Certified LPA's written process must address how the agency will document and approve ADA design exceptions for curb ramps and pedestrian-activated signals.

c. Local Crosswalk Closure Process:

By statute (ORS 801.220) crosswalks exist at all locations where crosswalk markings indicate a pedestrian crossing and at all intersections (whether marked or unmarked, with some exceptions) unless closed by official action. Certified LPAs are required to identify a written process to address how the agency will document crosswalk closure actions. Crosswalk closures shall typically be based on safety concerns and the documented decision shall include the appropriate closure treatment.

d. ADA Construction Inspection:

All Certified LPA'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. At a minimum, the construction inspection process shall verify the following national accepted ADA standards have been achieved:

- 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"
 - Obstructed Turning Space is 48" x 60" (Signal Equipment is an obstruction).
 - Individual curb ramp for each direction of pedestrian travel, typically 2 curb ramps (diagonal ramps allowed only with a design exception)
 - Evidence there is an approved design exception justifying each non-compliant feature of this curb ramp
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e. Workzone Accessibility Standards:

All Certified LPAs are required to have an ODOT/FHWA approved workzone accessibility process. This process shall include standards for temporary closure of pedestrian facilities and requirements for temporary pedestrian accessible routes (TPAR).

f. Ongoing Maintenance:

All Certified LPAs are required to ensure that any portions of the Project under agency's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the project as specified in the project agreement. This includes, but is not limited to, agency ensuring that:

- Pedestrian access is maintained as required by the ADA,
- Any complaints received by Agency identifying [sidewalk, curb ramp, or pedestrian-activated signal] safety or access issues are promptly evaluated and addressed,
- Any repairs or removal of obstructions needed to maintain Project features in compliance with the ADA requirements that were in effect at the time of Project construction are completed by Agency or abutting property owner pursuant to applicable local code provisions,
- Any future alteration work on the Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and
- Applicable permitting and regulatory actions are consistent with ADA requirements.

4. Project Agreements Provisions:

ODOT has updated its intergovernmental agreement language to facilitate implementation of these ADA-related requirements. See sections A and B in the linked [ADA: Sample Agreement Provisions](#)¹.

Section A provisions require a Certified LPA to comply with ODOT's current ADA design and inspection processes on both the Oregon State Highway System and on the local agency system.

Section B provisions authorize a Certified LPA to apply its approved local design and inspection processes on locally-owned facilities. However, a Certified LPA is still required to follow ODOT's design and inspection processes for work on or along the state highway system.

Until such time as a Certified LPA's ADA design and inspection processes have been approved by ODOT/FHWA, section A provisions will be included in each project supplemental agreement. Once a Certified LPA's ADA design and inspection processes have been approved by ODOT/FHWA, its certification program and/or project agreements may be amended as appropriate to include Section B provisions.

¹ Certified LPA project agreements will contain ADA provisions substantially similar to the sample provisions. However, ODOT may need to modify the ADA provisions to accommodate changes in policy or legal requirements. Any such changes must be approved by ODOT's Traffic-Roadway Engineer and the Oregon Department of Justice.

5. Updated ODOT Guidance:

The December 28, 2016 CPO Bulletin 101_19 incorporated by reference the requirements of the following ODOT Traffic-Roadway Section [Technical Services Bulletins](#), two of which have since been incorporated into applicable documents:

- RD 16-01(B) ADA Curb Ramp Design Exception Request Form and ADA Curb Ramp Guidance. (Note: Updates coming soon on the curb ramp design checklist and design exception form.)
- TR 16-01(B) Traffic Signal Design Manual-Pedestrian Signal Equipment Layout for 2017 Edition, Chapter 5.4: Incorporated into the *ODOT Traffic Signal Design Manual*, Chapter 5, effective June 2017.
- TR 16-02(B) Traffic Signal Policy and Guidelines Manual-Audible Pedestrian Signals/ADA Updates for 2017 Edition: Incorporated into the *ODOT Traffic Signal Policy and Guidelines*, Section 5, effective September 2017.

ODOT Traffic-Roadway Section has since issued the following applicable Technical Services Branch Directive:

- [TSB 17-01\(D\)](#) Temporary Pedestrian Accessible Route Plans Required for Work Zones, effective June 15, 17 (validation date October 1, 2017)

ODOT Traffic-Roadway Section has also published other applicable ADA-related resources and forms, including the [ODOT ADA Curb Ramp Process – Project Requirements](#) guidance document, which are posted on ODOT’s Engineering for Accessibility page. Continue to monitor this page for updates to ODOT’s ADA guidance:

<https://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>

Feedback: We are always trying to improve. Please provide any feedback regarding this document to the Certification Program Office at ODOTcertification@odot.state.or.us, or contact the Certification Program Manager or Certification Coordinator.

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