

FREQUENTLY ASKED QUESTIONS: ADA COMPLIANCE

2021



Infrastructure Delivery and Operations

ROADWAY ENGINEERING GROUP

INTRODUCTION

ADOT has been changing its approach to addressing accessibility features along its roadway infrastructure since early 2019. This document responds to frequently asked questions from planning, development, design, and construction professionals. This document is not a standalone document and should be read in conjunction with ADOT's 2012 ADA Transition Plan. The purpose of this document is to explain the requirements issued by the Department of Justice (DOJ) to update ADA facilities, and it describes the process for evaluating and updating existing ADA features. Additional guidance may also be found in the [Q&A Supplement](#) to the 2013 DOJ/DOT Joint Technical Assistance.

Q1. What ADA Design Standards apply to ADOT projects?

A1: ADOT's design standard for roadway projects is the US Department of Transportation ADA Standards for Transportation Facilities {2006}, which is based on ADAAG. All new or updated features are to be designed in compliance with these standards. The Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (2011), commonly referred to as PROWAG, is not a standard but should be considered for use when practical.

Q2. How is ADOT's ADA Compliance Subprogram managed and administered?

A2: Beginning in the 2020-2024 five year program, an ADA Compliance subprogram was established and funded annually. The purpose of this subprogram is to help establish and deliver ADA projects based on a prioritized list of features/projects developed by the Roadway Engineering Group, in coordination with the Districts and ADOT's Civil Rights Office. The subprogram is administered by the Roadway Engineering Group.

In December 2020, new ADA Compliance Subprogram administration guidelines were developed to help development staff know how to address ADA features on projects during project development. The guidelines describe two different processes related to addressing ADA features on projects:

1. Capital Improvement Programmed Projects (from the 5-year construction program).
2. ADA Compliance Subprogram Projects – Projects developed specifically for the purpose of addressing ADA features based on a prioritized plan.

Key highlights from the guidelines are as follows:

Capital Improvement Programmed Projects		ADA Compliance Subprogram
Addresses ADA features/barriers within the limits of an alteration or new construction project. ADOT FIS will be used as an initial resource for data.	Scope	Addresses prioritized features (Identified in FIS and Transition Plan) not associated with programmed projects.
<p>Where programmed projects that include ADA barriers meet the definition of an "alteration", project completion must address ADA improvements (where/when feasible) within the work limits of the "alteration". Barriers outside the project work limits of the "alteration" will not be addressed as part of the project, but included as part of future programmed projects of improvements associated with the "ADA Compliance Subprogram". See "Exceptions" note below for guidance.</p> <p>New Construction will follow current ADA standards and policies.</p>	Standard Work	<p>Annually (beginning each July):</p> <ol style="list-style-type: none"> CRO ADA Administrator updates Annual Supplemental Report to document ADA Features/Barrier reconstructed and redesigned in previous FY (Project Based and Subprogram Project Based). <ul style="list-style-type: none"> Annual Supplemental Report will include Report on remaining non-compliant features per "Self Evaluation Report" (FIS). Update Prioritization Inventory for remaining features. CRO ADA Administrator will submit the Annual Supplemental Report to FHWA by the end of September. CRO ADA Administrator and Roadway ADA Subprogram Manager meet to: <ul style="list-style-type: none"> Evaluate past FY performance on department's completed construction/design work on non-compliant features <ul style="list-style-type: none"> Evaluate Current FY STIP to determine which projects in the program will include Feasibility Studies and ADA features to be improved (made compliant) Review/Update Compliance and Policy Updates Develop a Prioritization Plan for current FY to define the planned project(s)/features to address as part of current FY ADA Compliance Subprogram. <ul style="list-style-type: none"> List of features prioritized to address in current FY will be completed by end of Q1 (end of September). Projects developed and delivered as part of the current FY ADA Subprogram will be advertised by the end of Q3 of that same FY (IDIQ or other approved contracting method). Roadway ADA Subprogram Manager will work with ADOT PMG to establish project and secure funding approval for scope of work.
<p>Designers will prepare a feasibility study that will only address features immediately associated within the work limits of an alteration or new construction and feasible to construct as part of the scope of work (vs. infeasible). Features outside the work limits ("alteration" or "new construction") will not be included/addressed in the feasibility report.</p> <p>ADA Features determined to be technically infeasible to update will be documented in the Feasibility Report and referred to the ADOT CRO ADA team for inclusion in future Subprogram Prioritization Projects (as defined in Transition Plan).</p> <p>See "Exceptions" below for further guidance.</p>	Feasibility Report	Roadway ADA Subprogram Manager will prepare a feasibility study to document the scope of work that will address ADA features that are proposed to be updated as part of the FY ADA Subprogram Project (based on the prioritization plan). Feasibility Study will determine and document if a barrier is determined to be technically infeasible to update.
<p>Project (Programmed) Funds will be used for:</p> <ol style="list-style-type: none"> Feasibility Study to include only features within the limits of work associated with an alteration or new construction. Design/Construction of updated or new features within the limits of work associated with an alteration or new construction. Per "infeasibility guidance", no new ROW should be acquired for the sole purpose of addressing ADA compliance when there is no new ROW being acquired for the project as a whole. <p>See "Exceptions" below for further guidance.</p>	Funding	<p>Subprogram Funds will only be used for:</p> <ol style="list-style-type: none"> If approved by ADA Compliance Subprogram Manager, subprogram funds may be used to supplement project funding to address improvements outside the limits of work and that are included in the Transition Plan and Annual Supplemental Report Prioritization Plan. Perform Feasibility Studies associated with Subprogram ADA Compliance Projects. Projects identified, scoped and developed under the Subprogram Administration. Per "infeasibility guidance", no new ROW should be acquired for the sole purpose of addressing ADA compliance when there is no new ROW being acquired for the project as a whole.
<p>"Alteration Limit Exception": When barriers exist at an intersection where one or more of the existing barriers are within the limits of the "alteration" or "new construction" project, all barriers at the intersection must be updated to meet current ADA standards to ensure continuity of accessible routes/ramps.</p> <p>FIS may not contain all barriers or ADA features. Designers shall evaluate project work limits within the alteration limits or new construction limits and determine if additional features exist that are not compliant and need to be updated.</p>	Exceptions	FIS may not contain all barriers or ADA features. Designers shall evaluate project work limits within the alteration limits or new construction limits and determine if additional features exist that are not compliant and need to be updated.
As per DOJ, USDOT/FHWA and ADA Transition Plan (and FAQ)	Infeasible	As per DOJ, USDOT/FHWA and ADA Transition Plan (and FAQ)

Q3. What projects qualify as an “alteration” and are there any exceptions to this standard work?

A3: Alteration

The definition of an *alteration* is a change to the road surface or infrastructure that affects or could affect the usability of the pedestrian route (i.e. crosswalk) (DOJ/DOT Joint Technical Assistance on the Title II of the Americans with Disabilities Act [ADA]). Where programmed projects that include ADA barriers contain work that meets the definition of an "alteration", project completion must address ADA improvements (where/when feasible) within the work limits of the "alteration". Barriers outside the project work limits of the "alteration" will not be addressed as part of the project, but included as part of future programmed projects of improvements associated with the "ADA Compliance Subprogram".

"Alteration Limit Exception": When barriers exist at an intersection where one or more of the existing barriers are within the limits of the "alteration" or "new construction" project, all barriers at the intersection must be updated to meet current ADA standards to ensure continuity of accessible routes/ramps.

Q4. Can there be alterations within pavement preservation projects and maintenance work?

A4: Alteration vs. Pavement Preservation/Maintenance

Items designated as roadway maintenance do not trigger the ADA updates, unless an existing ADA feature(s) is directly impacted by the work.

For pavement preservation projects, only certain types of work would cause an alteration when that work intersects a pedestrian route. To help the reader, included below is a list, provided in the [DOJ/DOT Joint Technical Assistance](#) on ADA Requirements to Provide Curb Ramps, which provides examples of treatments described as maintenance and alterations. This list is not limited solely to the treatments as listed.

Maintenance	Alterations
<ul style="list-style-type: none">• Chip Seals• Fog Seals• Cape Seals• Microseal/Microsurfacing• Scrub Sealing• Crack Filling and Sealing• Joint Crack Seals• Slurry Seals• Diamond Grinding• Joint Repairs• Spot High-Friction Treatments• Dowel Bar Retrofit• Pavement Patching• Surface Sealing• Painting or striping lanes• Utility Improvements	<ul style="list-style-type: none">• Addition of New Layer of Asphalt• Hot In-Place Recycling• Microsurfacing/Thin-lift Overlay• Mill & Fill, Mill & Overlay• New Construction• Open-Graded Surface Course• Rehabilitation and Reconstruction

Engineers and Designers should refer to the [“Questions and Answers - Supplement to the 2013 DOJ/DOT Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing”](#) and the [“2013 Joint Technical Assistance”](#) publication for further information and clarification on requirements for a project.