



**TECHNICAL BULLETIN**

<b>SUBJECT/AGENCY</b>	Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing/Oakland Public Works Bureau of Engineering and Construction	<b>NUMBER</b>	00 <b>3</b>
<b>REFERENCE</b>	Briefing Memo from DOJ/DOT Joint Technical Assistance on Title II of the Americans with Disabilities Act Requirements, Glossary of Terms	<b>EFFECTIVE</b>	July 2013
<b>SUPERSEDE</b>			

**I. PURPOSE**

Directive to engineering and technical staff to follow the Briefing Memo from the Department of Justice (DOJ)/Department of Transportation (DOT) Joint Technical Assistance on Title II of the Americans with Disabilities Act (ADA) Requirements to provide curb ramps when streets, roads, or highways are altered through resurfacing.

**II. POLICY**

Effective immediately, when your project involves alterations of streets, roads, or highways, curb ramp upgrades and/or new installations shall be included in the scope of your project. Clarification of an alteration is provided in the attached briefing memo from the Department of Justice/Department of Transportation Joint Technical Assistance.

**III. PROCEDURES**

When your project involves alterations of streets, roads, or highways, follow the attached Briefing Memo and attached Glossary of Terms to determine whether the resurfacing is considered an ADA Maintenance or ADA Alteration. If the resurfacing is an ADA alteration, curb ramp upgrades and/or new installations shall be included in the scope of your project.

**IV. ADDITIONAL INFORMATION**

This directive is in keeping with the City of Oakland policy to adhere to the most stringent guidance of State and Federal enforcement agencies for right-of-way access compliance.

FHWA and DOJ met in March 2012 and March 2013 to clarify guidance on the ADA's requirements for constructing curb ramps on resurfacing projects. Projects deemed to be alterations must include curb ramps within the scope of the project.

DOJ's regulations require accessible planning, design, and construction to integrate people with disabilities into mainstream society. Further, these laws require that public entities responsible for operating and maintaining the public right-of-way do not discriminate in their programs and activities against persons with disabilities. The Federal Highway Administration's (FHWA) ADA program implements the DOJ regulations through delegated authority to ensure that pedestrians with disabilities have the opportunity to use the transportation system's pedestrian facilities in an accessible and safe manner.



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## BRIEFING MEMO

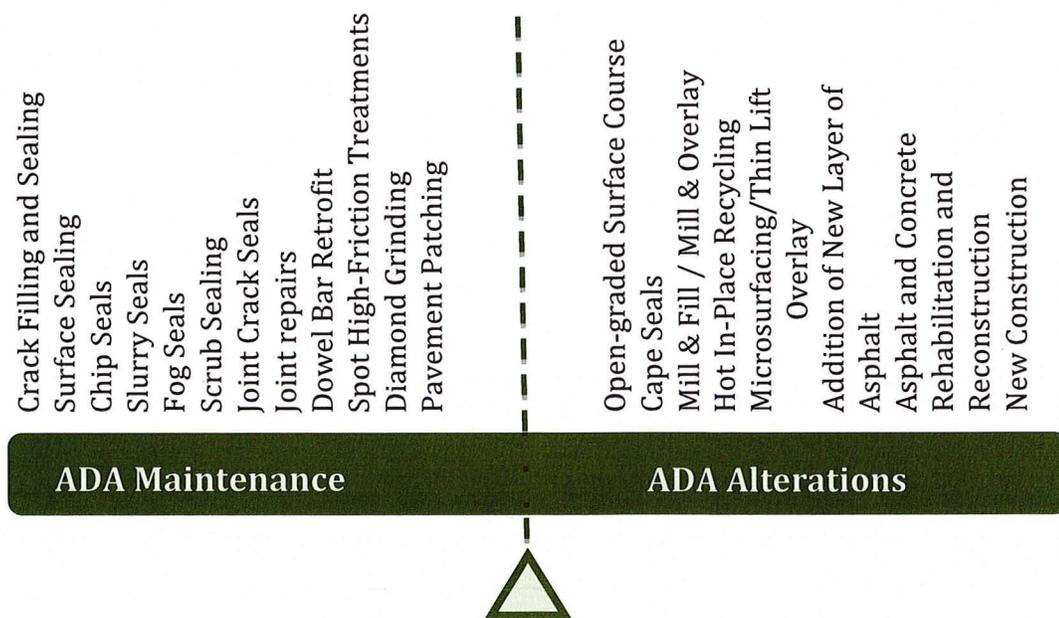
**SUBJECT:** Department of Justice/Department of Transportation Joint Technical Assistance on Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing

**ISSUE:** Throughout the nation, there are different interpretations and inconsistencies in enforcement of when curb ramps are required.

**BACKGROUND:** The Americans with Disabilities Act of 1990 (ADA) is a civil rights statute prohibiting discrimination against persons with disabilities in all aspects of life, including transportation, based on regulations promulgated by the United States Department of Justice (DOJ). DOJ's regulations require accessible planning, design, and construction to integrate people with disabilities into mainstream society. Further, these laws require that public entities responsible for operating and maintaining the public rights-of-way do not discriminate in their programs and activities against persons with disabilities. FHWA's ADA program implements the DOJ regulations through delegated authority to ensure that pedestrians with disabilities have the opportunity to use the transportation system's pedestrian facilities in an accessible and safe manner.

FHWA and DOJ met in March 2012 and March 2013 to clarify guidance on the ADA's requirements for constructing curb ramps on resurfacing projects. Projects deemed to be alterations must include curb ramps within the scope of the project.

**SUMMARY OF GUIDANCE CLARIFICATION:** This clarification provides a single Federal policy that identifies specific asphalt and concrete-pavement repair treatments that are considered to be alterations—requiring installation of curb ramps within the scope of the project—and those that are considered to be maintenance, which do not require curb ramps at the time of the improvement.



This approach clearly identifies the types of structural treatments that both DOJ and FHWA agree require curb ramps (when there is a pedestrian walkway with a prepared surface for pedestrian use and a curb, elevation, or other barrier between the street and the walkway) and furthers the goal of the ADA to provide increased accessibility to the public right-of-way for persons with disabilities. This single Federal policy will provide for increased consistency and improved enforcement.

**MOVING FORWARD:**

Divisions are expected to initiate discussions with their Partnering Agency / State to:

- 1) Disseminate this clarification with regard to when curb ramps are required
  - a. States are expected to inform/assist local agencies
- 2) Establish a plan to implement this single Federal policy as soon as practical
  - a. FHWA Headquarters is not providing a set deadline for all projects to comply with this policy.
  - b. Projects that are ready for Construction Advertisement or are under contract may proceed.
  - c. The Division should evaluate the projects in the state pavement preservation/resurfacing program and agree on projects to comply with this policy.
  - d. The Division should work with its Partnering Agencies / States to evaluate and modify, if necessary, their existing resurfacing ADA policies to comply with this policy.

**POINTS OF CONTACT:**

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# Glossary of Terms for DOJ/DOT Joint Technical Assistance on the ADA Title II Requirements to Provide Curb Ramps When Streets Roads or Highways are Altered Through Resurfacing

This glossary is intended to help readers understand certain road treatments referenced on page 2 of the DOJ/FHWA Joint Technical Assistance on the ADA Title II Requirements to Provide Curb Ramps When Streets Roads or Highways are Altered Through Resurfacing. The definitions explain the meaning of these terms from an engineering perspective and are provided in the order in which they appear in the Technical Assistance document.

## Treatments that are considered alterations of the road surface

**Reconstruction** – Reconstruction refers to removing all or a significant portion of the pavement material and replacing it with new or recycled materials. This may include full-depth reclamation, where the pavement surface is demolished in place and new pavement surface is applied. In addition, reconstruction may also include grinding up a portion of the pavement surface, recycling it and placing it back, and then adding a wearing surface, such as in cold in-place asphalt recycling. Reconstruction often includes widening or geometrical changes to the roadway profile.

**Rehabilitation** - Rehabilitation refers to significant repairs made to a road or highway surface, including activities such as full slab replacement, filling voids under slabs (slabjacking), widening, and adding additional structural capacity.

**Open-graded surface course** – Open-graded surface course, also known as “open-graded friction course,” involves a pavement surface course that consists of a high-void, asphalt concrete mix that permits rapid drainage of rainwater through the course and off the shoulder of the road. The mixture consists of either Polymer-modified or rubber-modified asphalt binder, a large percentage of one-sized coarse aggregate, and a small amount of fibers. This treatment prevents tires from hydroplaning and provides a skid-resistant pavement surface with significant noise reduction.

**Microsurfacing** – Microsurfacing involves spreading a properly proportioned mixture of polymer modified asphalt emulsion, mineral aggregate, mineral filler, water, and other additives, on a paved surface. Microsurfacing differs from slurry seal in that it can be used on high volume roadways to correct wheel path rutting and provide a skid resistant pavement surface.

**Thin lift overlays** – Thin lift overlays are thin applications of mixtures of hot mix asphalt. Thin lift overlays may also require some milling along curbs, manholes, existing curb cuts, or other road structures to assure proper drainage and cross slopes.

**Cape seal** – A cape seal is a thin surface treatment constructed by applying a slurry seal or microsurfacing to a newly constructed chip seal. It is designed to be an integrated system where the primary purpose of the slurry is to fill voids in the chip seal.

**In-place asphalt recycling** - In-place asphalt recycling is a process of heating and removing around 1-2 inches of existing asphalt and remixing the asphalt with the addition of a binder additive and possible aggregate to restore the wearing surface for placement and compaction. All of this is performed in a train of equipment.

## Treatments that are considered maintenance of the road surface

**Crack filling and sealing** – Crack filling and sealing involves placing elastomeric material directly into cracks in pavement.

**Surface sealing** - Surface sealing involves applying liquid sealant to pavement surface in order to stop water penetration and/or reduce oxidation of asphalt products. Sand is sometimes spread over liquid to absorb excess material.

**Chip seals** – Chip Seals involve placing graded stone (chips) on liquid emulsified asphalt sprayed on pavement surface. The surface is rolled to enable seating of chips.

**Slurry seal** – Slurry seals involve spraying a mixture of slow setting emulsified asphalt, well graded fine aggregate, mineral filler, and water on the pavement surface. It is used to fill cracks and seal areas of old pavements, to restore a uniform surface texture, to seal the surface to prevent moisture and air intrusion into the pavement, and to improve skid resistance.

**Fog seals** – Fog seals are a type of surface sealing.

**Scrub sealing** – Scrub sealing is type of surface sealing

**Joint crack seals** – Joint crack seals are usually associated with concrete pavement. This work consists of routing and cleaning existing cracks and joints and resealing to prevent water and non-compressibles from entering into the pavement joints and subgrade materials.

**Joint repairs** – Joint repairs are usually associated with concrete pavement. This work consists of selectively repairing portions of the pavement where the slabs are generally in good condition, but corners or joints are broken. The depth of the patch could be full depth or partial depth.

**Dowel retrofit** – Dowel retrofits are usually associated with concrete pavement. This work involves the installation of dowel bars connecting slabs in existing pavements. Pavement with dowel bar retrofits can have life extensions of as much as 20 years. Its application is almost exclusively on high-speed Interstate highways.

**Spot high-friction treatments** – Spot high-friction treatments involve using epoxy based resin liquids as a binder for an aggregate with high-friction properties. These are used in locations where drivers are frequently braking and the pavement surface has less resistance to slipping.

**Diamond grinding** – Diamond grinding involves using a gang saw to cut grooves in the pavement surface to restore smoothness and eliminate any joint faulting.

**Pavement patching** – Pavement patching involves selectively repairing portions of the pavement where the slabs are generally in good condition, but corners or joints are broken. The depth of the patch could be full depth or partial depth.

July 8, 2013