

# New Jersey Department of Transportation CORRECTIVE ACTION NOTICE

## CAPITAL PROGRAM SUPPORT

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CAN No. CAN082

Approved by  
Walter McGrosky  
Date: 6-28-12

**Subject:** Revision to the Roadway Design Manual Subsection 5.7.4 Public Sidewalk Curb Ramps, General

**Bureau(s) Affected:** All Design Consultants, In-house Design Services, Division of Operations, Construction Services & Materials, Division of Project Management, Division of Capital Program Support

**Description of Issue(s):** Updates to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG)

### **Corrective Action Plan: CAN081 is RESCINDED.**

Designers shall identify locations that do not meet the ADAAG.

The major components to be addressed include:

- Intersection curb ramps and cross walks
- Pedestrian refuge islands and walkway openings
- Pedestrian traffic signal pushbuttons and accessibility

Based on engineering analysis for the identified locations, designers shall develop a plan to meet compliance or have justification for not fully meeting compliance.

Projects in Preliminary Engineering or projects with Final Design occurring subsequent to June 30, 2013 must meet compliance accordingly.

For projects in Final Design through June 30, 2013 and projects in Construction with Substantial Completion dates occurring subsequent to December 31, 2012, designers must identify the locations that do not meet the ADAAG. Designers shall recommend which locations should be addressed in the current project and which locations should be addressed as a separate project. The Department will make the final determination as to the designer's recommendation in light of time, budget and other constraints. The Department will endeavor by all means necessary to include compliance in current projects rather than in breakout projects.

For projects in Construction with Substantial Completion dates occurring between July 1, 2012 and December 31, 2012, the Department will institute a means for the identification and engineering analysis of non ADAAG compliant locations within these projects and for the creation of projects to meet compliance.

The following revised Subsection shall be used to address compliance with ADAAG.

### **5.7.4 Public Sidewalk Curb Ramps**

#### **General**

Public sidewalk curb ramps shall be provided where sidewalks permit pedestrians to cross curbs such as at:

- Intersections

- Painted crosswalks at mid-block locations
- Crosswalks at exit or entrance ramps
- Driveways, alleys, passenger loading zones, handicapped parking stalls
- Channelized islands, divisional islands or medians served by crosswalks
- Trail crossings

Existing substandard curb ramps shall be replaced with curb ramps designed in compliance with this section. Designers are to perform field investigation and evaluation of existing curb ramps to determine whether the ramps are substandard.

All new construction, reconstruction, major rehabilitation, widening, resurfacing (structural overlays, and mill and fill), signal installation, pedestrian signal installation and major upgrades, and projects of similar scale and effect are subject to the ADAAG contained in this Sidewalks subsection which includes providing curb ramps. In alterations to existing facilities where compliance with the ADAAG is technically infeasible, the alteration shall comply with these standards to the extent practicable. Designers should document the basis for the determination.

Technically Infeasible means, with respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

Providing accessibility to the extent practicable applies to alterations to an existing facility that cannot fully meet the standards because of existing site conditions that would require additional work, right-of-way acquisition or impacts not included in the original scope or limits of the alteration project. Existing site constraints such as limited right-of-way, existing utilities, existing structures, environmental/historic impacts or other site constraints may also prohibit modification or addition of elements, spaces, or facilities from being in full and strict compliance with the standards. Reasons for providing accessibility to the extent practicable may include:

- Limited right-of-way
- Existing utilities
- Existing buildings, walls or vaults
- Environmental impacts
- Historic impacts
- Safety
- Roadway profile slope

For less extensive projects, limited improvements to accessibility would generally be expected. For example, if an existing portion of sidewalk along a residential block were rebuilt or replaced, at a minimum the new portion of sidewalk would be subject to the ADAAG including curb ramps, among other things. However, compliance with these guidelines would not extend to untouched sections of sidewalk outside the planned alterations.

Based on FHWA Office of Civil Rights and the US Department of Transportation General Counsel approval, there are a number of roadway preservation and preventative maintenance projects that do not require curb ramps to be constructed. These projects may involve, but are not limited to:

- Bridge patching
- Demolition
- Fencing
- Fender repair
- Fiber optics

- Guide rail
- Landscape
- Raised pavement markers
- Signing and striping
- Lighting
- Minor Signal Upgrades (i.e. retiming signal installations)
- Utility work
- Seismic retrofit
- Pavement patching (filling potholes)
- Shoulder repair
- Restoration of drainage systems
- Crack sealing
- Bridge painting
- Scour countermeasures
- Other roadway preservation and preventative maintenance projects. The following are some examples of such projects.
  1. Pavement non-structural thin surface overlays
  2. Pavement repair
  3. Bridge hot mix asphalt resurfacing
  4. Bridge deck patching
  5. Joint replacement or repair
  6. Bridge deck restoration and component patching
  7. Rehabilitation of existing structures

In most cases, the unique projects mentioned previously will not modify a pedestrian route. However, the designer should consider every project as an opportunity to further the accessibility of its pedestrian network and should not unnecessarily restrict the scope of work so as to avoid the requirements for new curb ramps.

The sight distance should be checked to ensure curb ramps are not placed in such a location that a motorist will find it difficult to perceive the low profile of a wheelchair occupant crossing the roadway.

Curb ramps shall be designed to accommodate all users. Thus, transitions from the sidewalk to the curb ramp or to the landing area shall be gradual. Relocation of the sidewalk at an intersection is permissible, and in some cases necessary, in order to obtain the required sidewalk and curb ramp slope.

**Implementation: Special – Immediate**