




MINNESOTA DEPARTMENT OF TRANSPORTATION
Engineering Services Division
Technical Memorandum No. 10-02-TR-01
February 11, 2010

To: Distribution 57, 612, 618, and 650
From:  Khani Sahebjam, P.E.
Deputy Commissioner / Chief Engineer
Subject: Public Rights-of -Way Accessibility Guidance

Expiration

This Technical Memorandum supersedes Technical Memorandum 08-13-TS-05, and shall continue in force until February 11, 2015 unless superseded or suspended.

Implementation

The guidance contained in this Technical Memorandum is effective immediately. This Technical Memorandum affect projects in the design in construction phase and all work in Mn/DOT rights-of-way, including work done under permit or by agreement by other agencies or private entities.

These guidelines must be incorporated into all new construction, reconstruction, and alteration projects.

Projects that may directly or indirectly affect a qualified Historic Facility or District must be reviewed by the Cultural Resources Unit to determine if the proposed alteration may threaten or destroy the historic significance of the property. (See additional guidance under Guidelines)

A public agency is only exempt from fully meeting the Americans with Disabilities Act (ADA) standard where physical terrain or site conditions restrict the construction or altering the facility to the required standard. In such circumstances, the Design Project Manager must provide accommodation to the maximum extent feasible, document the instance with a memo signed by a direct supervisor, and place the documentation in the project file for reference and added to Mn/DOT's Transition Plan.

Accessibility improvements are to be planned, designed, and constructed to proceed at the same time as project roadway improvements. An addendum or supplemental agreement may be necessary for projects currently under construction.

If a Mn/DOT District Engineer determines that incorporating a new or updated accessible feature (or features) into a construction project will cause significant letting delays, the District Engineer (or designee) will direct the Resident Construction Engineer to issue a supplementary agreement to remedy the installation of the feature.

Local Road authorities are encouraged to adopt these or similar guidelines.

Introduction

Pedestrian facilities on public rights-of-way are required to be accessible to persons with disabilities through the following federal statutes:

- Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. 5794) and
- Title II of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 59 12131-12164)

Title II of the ADA governs all state and local governments and their agencies and facilities, regardless of the funding source. All pedestrian facilities within the public rights-of-way designed, constructed, and/or altered on behalf of or for the use of a public entity must be readily accessible to and usable by persons

with disabilities. Mn/DOT's Strategic Plan and the Statewide Transportation Plan recognize accessibility as an integral part of the State's transportation networks.

Purpose

This Technical Memorandum sets forth interim planning and design guidance for accessible pedestrian facilities through the implementation of the Access Board's *Draft Public Rights of Way Accessibility Guidelines (PROWAG) 2005*. This implementation of PROWAG does not include the provisions for multilane roundabouts which are being analyzed by a separate roundabout committee.

The full text of PROWAG can be found at: <http://www.access-board.gov/prowac/draft.pdf>. A separate mailing of PROWAG will not be made.

Guidelines

Scoping

Project Managers are required to identify all accessible pedestrian facility needs in the scoping phase of project development for all new construction, reconstruction, and alteration projects.

New construction and reconstruction

All pedestrian facilities in new construction and reconstruction roadway projects are required to meet the accessibility guidance in PROWAG. All newly constructed and reconstructed standalone pedestrian facilities {e.g. trails, sidewalks, and sidewalk segments} located in the public right-of-way are required to meet the design guidance in PROWAG.

Alteration Projects

All alteration projects must, at a minimum, address all curb ramps in the curb radius by providing ramps where they are required and do not currently exist and to bring existing curb ramps into compliance with detectable warnings, cross slope, running slope, and landings. Curb ramp improvements must comply to the maximum extent feasible without regard to cost.

In an alteration project the scope of the initiating project determines which additional accessible features are included in the project and the extent to which additional accessible features must be addressed. Where pre-existing site conditions would require expanding the project's scope to purchase of right-of-way, relocate utilities, provide drainage work, etc. there is no expectation that the scope of work be expanded to provide the accessible feature. Pre-existing conditions include, but are not limited to, underlying terrain, right-of-way availability, underground structures, adjacent developed facilities, drainage, or the presence of a notable natural or historic feature. When other pedestrian facilities are within the right-of-way but are not part of the scope of the alteration project it is not required that work be done on those features. Any accessible feature that is not built to PROWAG standard must be documented with a memo signed by a direct supervisor, and placed in the project file and added to Mn/DOT's Transition Plan.

When developing the scope for an alteration project, project managers are encouraged to look at the total function and accessibility of the pedestrian network, including transit facilities such as bus stops and shelters. Project Managers are encouraged to identify and correct any accessibility barriers within the project limits to the maximum extent feasible, not just curb ramps. Addressing multiple elements or spaces within a facility may provide a cost-effective opportunity to make the entire facility, or a significant portion of it, accessible. Jurisdictions should consult their Transition Plans to determine if related work has been identified as needed to achieve program accessibility in existing facilities at the same location.

Alteration projects include all types of resurfacing work. Only the work types identified in the preventative maintenance section that follows are excluded from providing ADA improvements.

Preventative maintenance projects

Pedestrian facility upgrades and accessibility improvements are not required on preventative maintenance projects where the primary purpose of the project is to maintain the existing roadway without increasing the structural capacity of the system.

Preventative Maintenance:

- Asphalt crack sealing
- Bituminous pavement seal coat
- Chip sealing
- Isolated concrete dowel-bar retrofit
- Concrete repair: Isolated, partial and/or full-depth repairs to restore functionality of the slab; e.g., edge spalls, corner breaks
- Concrete joint sealing
- Concrete pavement surface planing / diamond grinding
- Slurry or micro-surfacing
- Bridge substructure preservation: concrete and steel
- Bridge superstructure activities: Painting, joint replacement, bearing rehabilitation/replacement and barrier/guardrail/railing restoration.

Preventative maintenance projects are typically applied to pavements in good condition with significant remaining service life. These activities include actions that are intended to retard future deterioration and maintain the functional condition of the roadway without increasing structural capacity. In general, these improvements do not appreciably affect the roadway or pedestrian access route surface. A pedestrian access route is defined as: a continuous and unobstructed walkway within a pedestrian circulation route specifically designed for ADA –accessible travel.

Historical Properties

All new construction, reconstruction, and alterations that may directly or indirectly affect a qualified Historic Facility or District must be reviewed by the Cultural Resources Unit to determine if the proposed alteration may threaten or destroy the historic significance of the property. The Cultural Resources Unit, OES, will make a determination of impact and recommend accessible feature location and design solutions that will preserve the historic significance of the property.

Accessibility during construction

When a pedestrian access route is disrupted, closed, or relocated during construction, maintenance work, or other temporary condition, the alternative pedestrian access route shall include pedestrian ramps to maintain accessibility. See the [Minnesota Manual on Uniform Traffic Control Devices \(MN MUTCD\)](#) for further guidance on the requirements for establishing an alternative pedestrian access route for temporary traffic control. See also the "Pedestrian Accessibility Considerations in Temporary Traffic Control Zones Check List" in the MN MUTCD.

Questions

For information on the technical contents of this memorandum, please contact **Kristie Billiar, ADA Implementation Coordinator, at (651) 366-3174**

Any questions regarding publication of this Technical Memorandum should be referred to the Design Standards unit, designstandards.dot@state.mn.us. A link to all active and historical Technical Memoranda can be found at <http://techmemos.dot.state.mn.us/techmemo.aspx>.

To add, remove, or change your name and/or address on the Technical Memoranda mailing list, write or call the Mn/DOT Central Office Mail Room G-18 Transportation Building, 395 John Ireland Blvd., St. Paul, MN 55155, phone number (651) 366-3051.