

Approved:

Effective: April 18, 1996
Responsible Office: Roadway Engineering
Policy No.: 519-002(P)

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Director

CURB RAMPS REQUIRED IN RESURFACING PLANS

PURPOSE:

The purpose of this policy statement is to establish that curb ramps are required as part of ODOT resurfacing plans.

AUTHORITY:

The need for curb ramps is established by the Federal Americans with Disabilities Act and an Ohio Attorney General's Opinion (September 27, 1995).

REFERENCES:

Section 306.4 of the ODOT Location and Design Manual.

42 U.S.C. 12132 (ADA)

42 U.S.C. 12131(1)

28 C.F.R. 35.151

SCOPE:

This policy is for the use of District Deputy Directors, Highway Managers, Planning and Programming Administrators, Production Administrators and other ODOT personnel with responsibilities for implementing pavement resurfacing plans.

BACKGROUND:

The Department has received an Attorney General's opinion based on a court case regarding the provision of curb ramps whenever a street or highway is resurfaced. As a result of this information, it is necessary to establish a policy for curb ramps on resurfacing projects. Previously, curb ramps were to be installed whenever curbs and walks were to be constructed, reconstructed or altered.

The Federal Americans with Disabilities Act (ADA) requires that public entities, when newly constructing or altering streets, roads and highways, must provide curb ramps at intersections with curbs or other barriers to entry from street level pedestrian walkways. The court decision establishes that resurfacing a street or highway is to be construed as altering the facility; therefore, curb ramps must be provided as part of the resurfacing if none are present.

DEFINITIONS:

Americans with Disabilities Act (ADA): A Federal law which prohibits discrimination by a public entity against a disabled individual as to benefits or programs of said public entity.

POLICY:

- I. It is the policy of the Ohio Department of Transportation to construct curb ramps at intersections located within the resurfacing limits of all resurfacing projects (regardless of urban or rural location) whenever both curbs and sidewalks are present and curb ramps do not exist.
 - A. In most cases, curb ramps will be installed in all quadrants of an intersection.
 - B. This policy statement includes building curb ramps on the side street, too, even if no resurfacing occurs there and in a quadrant where only a curb is present and no sidewalk exists as long as the opposite side of the street has both curbs and sidewalks.
- II. The ramps shall be constructed according to Section 306.4 of the ODOT Location and Design Manual.
- III. The curb ramps installed in resurfacing projects shall be funded using project funds, regardless of project funding and urban or rural location. Project funding from District allocations shall be used unless the funding for the project is one of the four categories controlled by Central Office (Major New, Major Bridge, Safety and Transportation Enhancements) or unless the project is an LPA project. In such a case, the curb ramps shall be at project funding from the appropriate Central Office account.
- IV. This policy is effective upon approval of the Executive Management Committee.
 - A. All tracings for resurfacing projects filed in Central Office on or after the effective date on page one shall include provisions for curb ramps in accordance with this policy.

- B. Curb ramp details are shown on Standard Construction Drawing BP-7.1 and the metric equivalent.
- V. For the following categories of resurfacing projects (in existence prior to the effective date on page one) which have both curbs and sidewalks at intersections within the resurfacing limits, curb ramps shall be added to the project by change order/extra work contract at project expense to conform to the policy statement:
- A. projects already under construction and for which the Contractor has not demobilized and which have both curbs and sidewalks at intersections within the resurfacing limits
 - B. projects awarded to the Contractor and work has not yet started
 - C. projects for which tracings have been filed in Central Office but bids have not been received
- VI. Determination of cost for adding curb ramps by extra work contract shall be performed at the District level; however, the Office of Estimating in the Central Office may be consulted for assistance.
- VII. Legislation requiring the appropriate agency to maintain the curb ramps installed by extra work contract shall be obtained by the District. After installation, the curb ramps shall be maintained by the same agency (City, Village, County, Township or ODOT) that maintains the adjacent sidewalks. When obtaining legislation for the resurfacing project, the issue of maintenance of curb ramps shall be addressed.

TRAINING:

None required.

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