



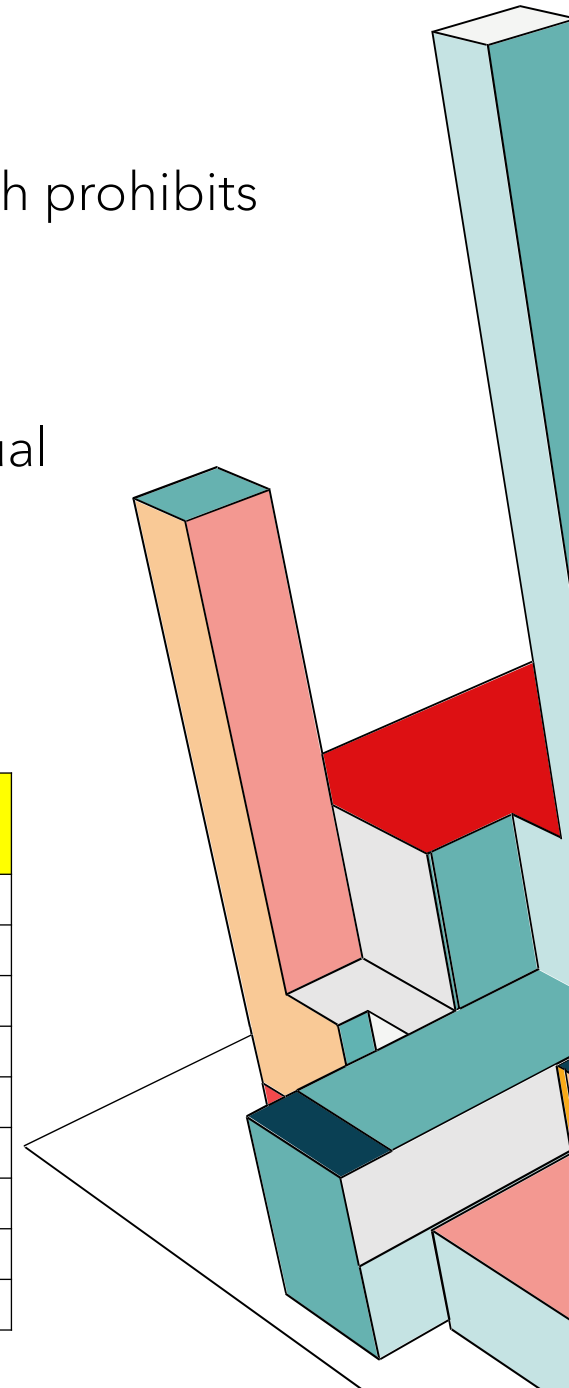
ADA CURB RAMP COMPLIANCE

Alex Hunt
WVDOT ADA Program Manager

ADA – WHAT AND WHY?

- The 1990 Americans with Disabilities Act (ADA) is a federal civil rights law which prohibits discrimination against individuals with disabilities
- The ADA is enforced by the U.S. Department of Justice (DOJ) and the U.S. Equal Employment Opportunity Commission (EEOC)
- West Virginia is the most disabled state in the United States

Population Range	Total	disability count	disability %	WV disability ranking in USA	Other	US average %
age under 5 yr.	109,272	1,056	1	40	1st - LA 2.2	1.3
age 5 to 17 yr.	267,968	19,804	7.4	9	1st - AR 9.2	6.2
age 18 to 64 yr.	1,055,186	176,780	16.8	1	2nd - AR 16.7	10.8
65 yr. and older	375,033	152,733	40.7	5	1st - OK 44	34.3
total WV population	1,787,348	349,832	19.6	1	2nd - MS 18.5	13.4
					3rd - KY 18.1	13.4



JULY 2013 MEMO VIA DOJ/DOT

BRIEFING MEMO

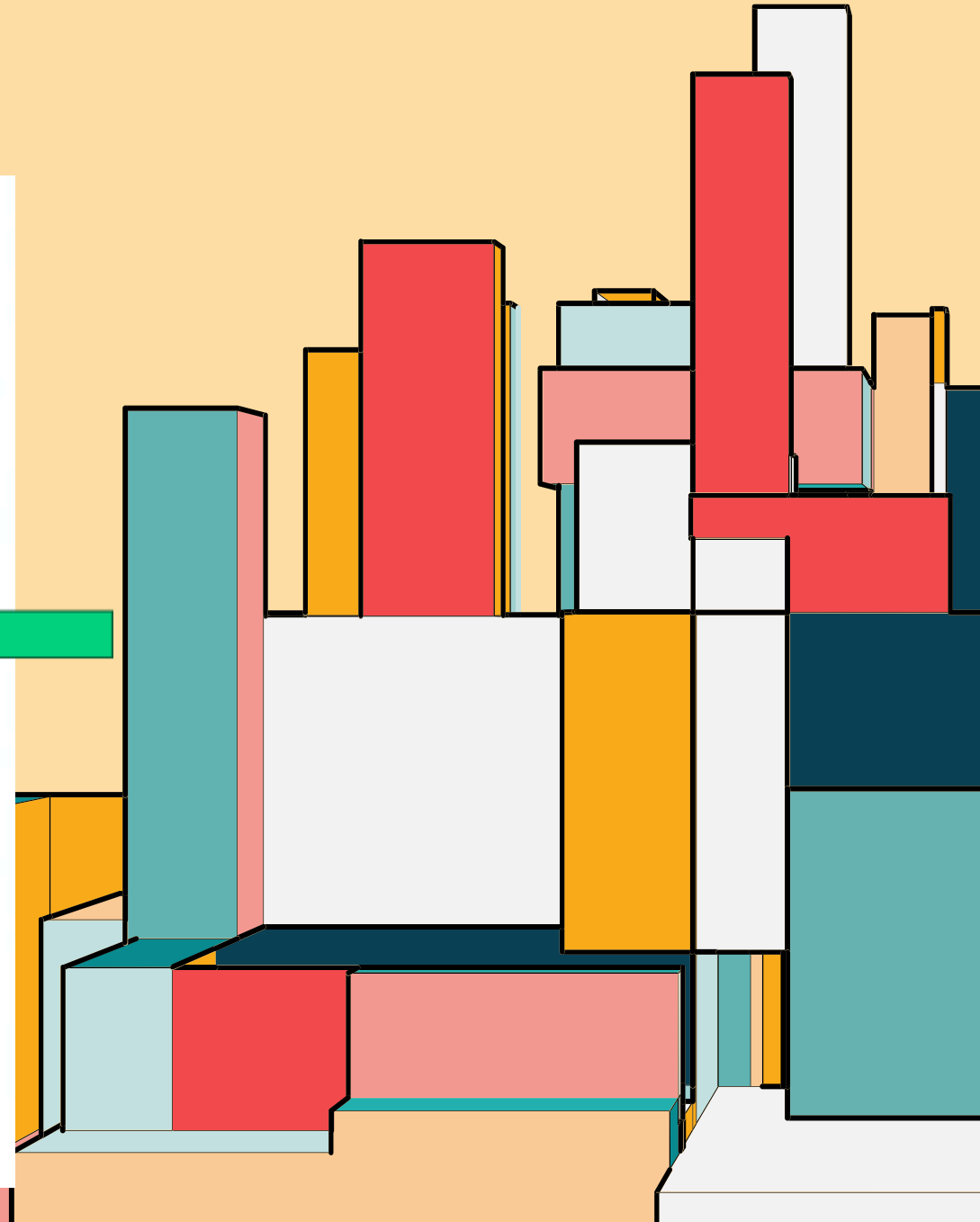
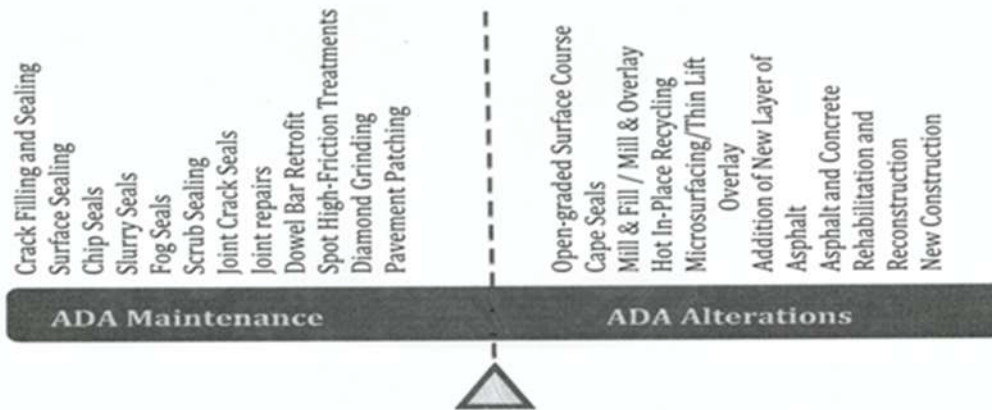
SUBJECT: Department of Justice/Department of Transportation Joint Technical Assistance on Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing

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.



ALTERATION

- Paving
- New Construction
- Addition of New Layer of Asphalt
- Mill & Fill / Mill & Overlay
- Cape Seals
- Hot In-Place Recycling
- Microsurfacing / Thin-Lift Overlay
- Open-Graded Surface Course
- Rehabilitation and Reconstruction

VS

MAINTENANCE

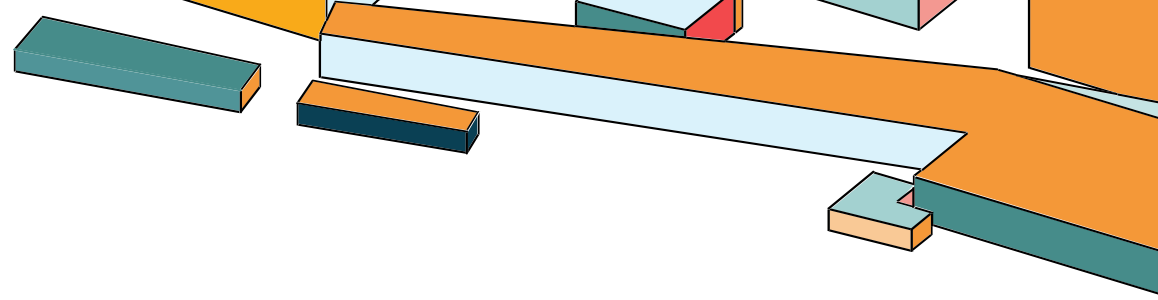
- Chip Seals
- Crack Filling/Sealing
- Joint Seals/Repairs
- Surface Sealing
- Pavement Patching
- Diamond Grinding



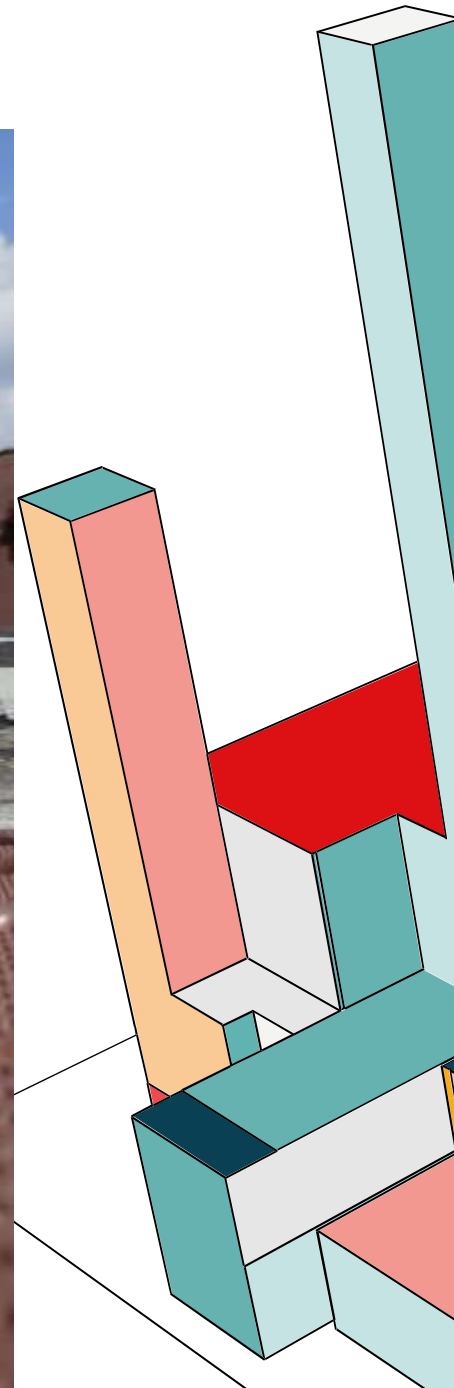
RAMP TO ROADWAY = FLUSH



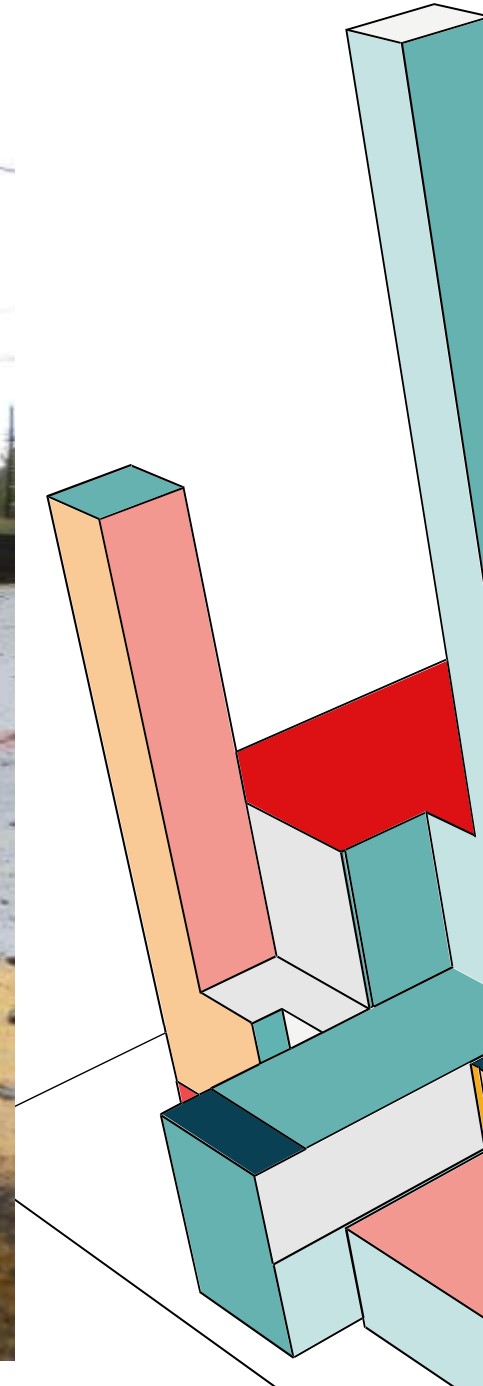
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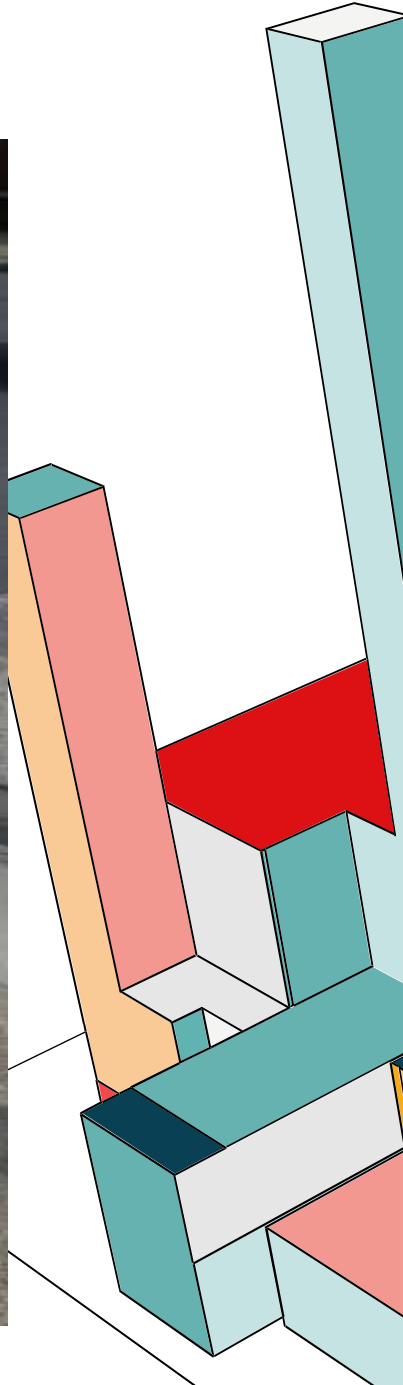
WHAT TO AVOID



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