



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

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INSTRUCTIONAL BULLETIN NO. 19-02

**Regarding TDOT Accessibility Guidance of Roadway Design Guidelines Section 9,
Subsections 9-300.00 to 9-301.03**

Effective immediately, the Roadway Design Guidelines Sections 9-300.00 through 9-301.03 have been updated as follows:

9-300.00 GENERAL

As noted in TDOT's *Multimodal Access Policy* (see Section 9-1001.00), pedestrian facilities shall be designed and built to accommodate persons with disabilities in accordance with the access standards required by the ADA to the maximum extent feasible or to the extent that it is not structurally impracticable. Sidewalks, shared-use paths, street crossings, and other infrastructure shall be constructed so that all pedestrians, including those with disabilities, can travel independently.

Furthermore, on November 7, 2014, TDOT began using the United States Access Board's *Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (2011)*. These guidelines serve as the *Public Rights-of-Ways Accessibility Guidelines*, or **PROWAG**.

TDOT's *Roadway Design Guidelines* are consistent with current ADA and **PROWAG** guidance. If any portion is determined to be in conflict with future ADA or **PROWAG** guidance, that portion shall be considered void.

9-301.00 ACCESSIBILITY REQUIREMENTS BY PROJECT TYPE

Wherever pedestrian facilities are intended to be a part of a transportation facility, federal regulations (28 CFR Part 35) require that those pedestrian facilities meet ADA guidelines. All new construction or alteration of existing transportation facilities must be designed and constructed to be accessible to and usable by persons with disabilities. FHWA is one of the federal agencies designated by the Department of Justice to ensure compliance with the ADA for transportation projects.

All projects shall review and evaluate the existing pedestrian circulation and connectivity within the scope of the project to address and correct identified deficiencies not meeting ADA, **PROWAG**, and TDOT requirements.

All new construction projects will be constructed to meet current accessibility requirements.

All **alteration** projects funded and developed by or for the Department on state right of way shall evaluate the existing pedestrian circulation and connectivity. Any deficiencies should be identified (i.e. Maintenance Division's Resurfacing PS&E report or Strategic Transportation Investment Division's Report) and included within the project scope. All other projects developed by or for Divisions other than Roadway Design shall follow the same scoping requirements regardless of funding type, funding percentage, or letting type.

Roadway **maintenance** activities do not warrant addressing and correcting ADA deficiencies.

All **local program projects** administered by the Program Development and Administration Division should follow the same guidance based on project type. Projects developed and let by local agencies should follow the same guidance since all local agencies are obligated to fulfill FHWA required ADA elements.

9-301.01 NEW CONSTRUCTION PROJECTS

New construction projects address the construction of a new roadway, interchange, or other transportation facility where none existed before. For these projects, pedestrians' needs are assessed and included in the project. All pedestrian facilities included in these projects must fully meet the accessibility criteria when built to the extent that it is not structurally impracticable.

TDOT's design development process will assess and ensure that accessibility requirements are addressed during the earliest stages possible to reduce or prevent potential conflicts with various planning, right-of-way, environmental, utilities, or other highway design related issues. Project scopes may also need to be expanded to meet pedestrian needs.

9-301.02 ALTERATION PROJECTS

A highway alteration project is a change to any portion of an existing facility (site, structure, or improvement of a pedestrian or vehicular route) located in the highway right-of-way that affects or could affect usability, access, circulation, or use of the facility. Alterations could affect the structure, grade, function and use of the roadway. Any project that affects or could affect the usability of a pedestrian facility is classified as an alteration project.

- All new pedestrian facilities included in an alteration project that are put in place within an existing developed right-of-way must meet applicable ADA, PROWAG, and TDOT requirements to the maximum extent feasible.
- All existing pedestrian facilities disturbed by construction of an alteration project must be replaced. The replacement facilities must meet applicable ADA, PROWAG, and TDOT requirements to the maximum extent feasible.

Alteration projects are re-construction projects. These include, but are not limited to; Existing roadway widening, Realignment of a roadway (vertical or horizontal), Bridge replacement, Bridge repair, Enhancement, Intelligent Transportation System (ITS) installation, Raised median, Resurfacing, Road Safety Audit (RSA), and Traffic signal installation or retrofit. These projects can potentially trigger a variety of accessibility requirements. The following apply to alteration projects:

- If pedestrian facilities are present at intersections, curb ramps are required.
- Warrants for the installation of crosswalk markings and applicable signs should be evaluated.
- An alteration project shall not decrease or have the effect of decreasing the accessibility of a pedestrian facility or an accessible connection to an adjacent building or site below the ADA accessibility requirements in effect at the time of the alteration.

- Within the construction limits of an alteration project, any existing connection from a pedestrian access route to a crosswalk (marked or unmarked) that is missing a required curb ramp must have a curb ramp installed that meets applicable accessibility requirements to the maximum extent feasible.
- A crosswalk served by a curb ramp must also have an existing curb ramp in place on the receiving end unless there is no curb or sidewalk on that end of the crosswalk. If a sidewalk is present and there is no existing curb ramp in place on the receiving end, an accessible curb ramp must be provided. This requirement must be met regardless of whether the receiving end of the crosswalk is located within the project's limits.
- Within the construction limits of an alteration project, evaluate all existing curb ramps to determine whether curb ramp design elements meet the accessibility criteria. Modify existing curb ramps that do not meet the accessibility criteria to meet applicable accessibility requirements to the maximum extent feasible. This may also trigger modification of other adjacent pedestrian facilities to incorporate transitional segments in order to ensure specific elements of a curb ramp will meet the accessibility criteria.
- Within the construction limits of an alteration project that includes hot mix asphalt overlay of an existing roadway and *does not* include reconstruction, realignment, or widening of the roadway, evaluate all existing marked and unmarked crosswalks. If it is not possible to meet the applicable accessibility requirements for crosswalks to the maximum extent feasible, document this in the project file.
- Within the construction limits of an alteration project, evaluate all existing crosswalks (marked or unmarked) to determine whether crosswalk design elements meet the accessibility criteria. Modify crosswalk slopes to meet the applicable accessibility requirements to the maximum extent feasible.

RESURFACING PROJECTS

Resurfacing PS&E reports should identify all ADA deficiencies. The typical resurfacing project limits termini includes the whole intersection; therefore, a resurfacing work on any leg of a signalized intersection requires upgrading existing facility to meet ADA, PROWAG, and TDOT requirements. If there are no existing pedestrian facilities on any approach, addressing the deficiencies or installing curb ramps are not allowed. If pedestrian facilities are installed in a future project, the future project shall meet ADA, PROWAG, and TDOT requirements.

The following pavement restoration and rehabilitation acts are typically not considered alterations: Spot pavement repair; Liquid-asphalt sealing, chip seal (Bituminous Surface Treatment- BST), or crack sealing; or Lane restriping that does not alter the usability of the shoulder.

SIGNALIZATION PROJECTS

New Signalization projects generally involve construction of a traffic signal system where an un-signalized intersection previously existed to improve the existing intersection traffic operations.

Project cost is not an acceptable reason to fail to construct or delay completing ADA required improvements for accessibility compliance when existing pedestrian facilities are present.

In the case of a future pedestrian facility, pedestrian signals systems and related components will not be installed and must be added later when pedestrian facilities are constructed.

Projects involving upgrades to **existing signalized** intersection(s) must upgrade deficient curb ramps and pushbuttons when alterations described in section R209.2 of PROWAG are made to the existing signal system. If no pedestrian facilities exist at the intersection, any existing pedestrian signal phasing and associated pedestrian signal heads and pushbuttons shall be removed.

EXCEPTIONS

It may not always be possible to fully meet the applicable accessibility requirements during alterations of existing facilities. If such a situation is encountered, consult with the TDOT ADA Coordinator to develop a workable solution to meet the accessibility requirements to the maximum extent feasible. Cost is not to be used as a justification for not meeting the accessibility criteria. Physical terrain or site conditions that would require structural impacts, environmental impacts, or unacceptable impacts to the community in order to achieve full compliance with the accessibility criteria are some of the factors that can be used to determine that the maximum extent feasible is achieved. If it is determined to be virtually impossible to meet the accessibility criteria for an element, complete the Multimodal Design Deviation form and submit for approval. Documentation for the decision, along with the signed deviation form, should be included in the project folder.

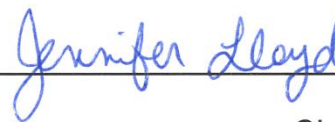
If there is uncertainty as to whether a project meets the definition of an alteration project, consult with the TDOT ADA Coordinator at TDOT.ADA@tn.gov.

9-301.03 MAINTENANCE PROJECTS

Roadway maintenance activities are not considered alterations and do not require simultaneous improvements to pedestrian accessibility under the ADA. Maintenance activities include actions that are intended to preserve the roadway system, retard future deterioration and maintain the functional condition of the roadway without increasing the structural capacity. Typical maintenance activities consist of re-tracing existing pavement markings, pothole patching, mowing, roadside ditch cleaning, guardrail repair, and trash pickup, and do not warrant addressing and correcting existing ADA deficiencies.

Signal maintenance activities consist of adding/replacing system feature such as (e.g., replacing controller cards, modifying existing detection devices, firmware upgrade, adding controller cabinet pedestal and/or foundation pad, relocating controller cabinet, installing ground boxes, installing new traffic signal cables, installing conduit, saw cutting concrete for loop detection installation or replacement, repair/upgrade existing vehicle detection systems, replacing bulbs, repair/upgrade of the existing signal heads, and replacing signal pole or mast arm assembly). However, if the modification creates a negative impact to the existing sidewalk or existing pedestrian push buttons are not accessible, ADA improvements or upgrades must be installed.

This IB voids the IB 18-12 reference to Roadway Design Guidelines Section 9-301.00.



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