



SDOT POLICY MEMORANDUM

Date: June 1, 2017
To: Scott Kubly, SDOT Director
From: SDOT ADA Committee
Subject: SDOT Policy for MEF Documentation for Curb Ramps

Statement of Intent

As acknowledged in the 2010 ADA Standards (and/or 2006 DOT ADA Standards) and the Proposed Accessibility Guidelines for Pedestrian Facilities in the Right-of-Way (PROWAG), in some instances it may be structurally impractical when facilities are altered to provide curb ramps that comply with all of the technical requirements due to existing physical constraints that 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” per the PROWAG. In these cases, it may be necessary to construct curb ramps to the maximum extent practicable or feasible within the scope of the project.

This policy is intended to memorialize the requirement to adequately document curb ramps that are built to comply to the maximum extent feasible (MEF) and to provide direction on minimum documentation requirements. This policy applies to the design and construction of new curb ramps within the public right of way and within the jurisdiction of the City of Seattle.

Policy for MEF Documentation for Curb Ramps

Where alterations occur within the Seattle public right of way that includes curb ramp construction, the curb ramps shall be designed and built per the City of Seattle Standard Plans and Specifications for Municipal Construction. In those instances where substantial existing constraints limit the ability to construct a curb ramp that complies with all of the requirements set forth in the standard plans, the curb ramp shall be constructed to comply to the maximum extent feasible (MEF). Such determination shall not be made until all possible design alternatives have been exhausted. There must be existing constraints that make fully compliant curb ramp construction impracticable, which could 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. MEF documentation is required per the instruction in this policy if one or more feature of a curb ramp cannot be constructed to comply with the standard plans.* The need to purchase additional right of way to facilitate compliant curb ramp construction, if available, is not a valid determination for building a curb ramp to the MEF.

*Curb ramp wings may exceed the maximum allowable slope provided that the slope and wing dimensions meet the criteria established in the SDOT Policy for Curb Ramp Flares/Wings date September 1, 2015. MEF documentation is not required if this identified criteria is met and all other features of the curb ramp meet the construction standards.





MEF Documentation Instructions

In instances where any feature of a curb ramp cannot be designed in accordance with the City Standard Plans, the curb ramp will be considered non-standard and compliant to the MEF. Documentation will be required to be prepared in the following manner:

- 1) Provide documentation within the construction plans that illustrates the curb ramp features that cannot comply with the technical standard. These features can be identified by means of curb ramp tables, dimensions or slopes specifically identified on the plans, or by any other equivalent measure. Construction plans that include multiple curb ramps built to the MEF must include information in the plans that identifies the physical constraint(s) that preclude the ability to construct a fully compliant curb ramp. This can be achieved by using justification tables in the plan set or other equivalent measure to appropriately acknowledge the location of defined constraints. Find the recommended justification table format at the end of this document. Any and all features of a curb ramp that do not comply with the technical standards shall be documented.
- 2) Complete the SDOT Right-of-Way Improvements Manual (ROWIM) Deviation Request Form* and clearly describe specific constraints at all locations where MEF curb ramp construction is required. It is recommended that photographs, supporting language, and contract plans be included as an attachment to this document. Each location that requires MEF construction must be identified and justified clearly in the Deviation Request Form and the construction plans. The Deviation Request form must be signed and stamped by the Engineer of Record (Licensed Professional Engineer), the SDOT Division Manager or Design Supervisor, and the SDOT ADA Coordinator.

* The Street Use Division may use their ADA MEF Form in lieu of the ROWIM Deviation Request Form for curb ramps built under Utility Major Permits (UMP) and Street Improvement Permits (SIP).

In instances where any feature of curb ramp deviates from the contract or permitted documents they shall be addressed in the following manner:

- 1) If a non-standard curb ramp was designed to the MEF but can to be constructed to comply with all technical requirements by making field adjustments, it is acceptable to omit documentation for that location.
- 2) Curb ramps that cannot be built according to contract or permitted plans due to unforeseen existing site constraints are to be documented on the as-built drawings in the same manner as other MEF aspects included in the original contract or permit plans. All changes must be reviewed and approved by the ramp's Engineer of Record prior to the ramp being built.
- 3) Curb ramps that are designed to comply with all technical requirements but include one or more ramp feature that cannot be built to comply due to unforeseen existing constraints are to also be documented with a new ROWIM Deviation Request, and following the same documentation requirements deviations in the design phase of a project.
- 4) Provide a copy of the completed Deviation Request and the construction plans (and/or as-built drawings) to the Curb Ramp Asset Data Specialist, who will upload the documentation as an attachment to the associated sidewalk asset in the Hansen Enterprise database.





Additional MEF Requirements and Exceptions

- 1) Existing curb ramps that are identified to have been built to the MEF, and supporting documentation is available, are not required to be removed and replaced if no improvement can be made to the existing ramp. It is recommended that existing MEF ramp documentation be included in the project file for reference. This documentation can be obtained from the associated sidewalk asset in the Hansen system or through the Sidewalks GIS layer attachments. Contact the Curb Ramp Asset Data Specialist for assistance accessing these records.
- 2) If existing curb ramps are suspected to be built to the MEF, but supporting documentation is not available, they may be analyzed to determine if improvements to the existing ramp are feasible. If not, it is required that MEF documentation be provided, but it is acceptable to omit ramp reconstruction upon this determination. Existing ramps that are determined to be constructed to the MEF and will remain in place must be indicated on the construction plans.

Recommended MEF Justification Table

CURB RAMP NON-STANDARD JUSTIFICATION CODES

*1	RIGHT-OF-WAY AVAILABILITY
*2	ROADWAY STRUCTURAL CONSTRAINT: WALL, AREAWAY, OR BRIDGE
*3	ADJACENT DEVELOPED FACILITY
*4	DRAINAGE
*5	HISTORIC FEATURE
*6	EXISTING ROAD / SIDEWALK SLOPES
*7	EXISTING UTILITY VAULT OR UTILITY STRUCTURE
*8	(OTHER)





References for Requirements and Guidance

1) The Americans with Disabilities Act, 28 CFR § 35.151(b)(1)

Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

2) 2010 ADA Standards for Accessible Design / 2006 DOT ADA Standards

202.1 General. Additions and *alterations* to existing buildings or facilities shall comply with 202.

202.2 Additions. Each *addition* to an existing building or facility shall comply with the requirements for new construction. Each *addition* that affects or could affect the usability of or access to an area containing a primary function shall comply with 202.4.

202.3 Alterations. Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Chapter 2.

EXCEPTIONS:

1. Unless required by 202.4, where elements or spaces are altered and the circulation path to the altered element or space is not altered, an *accessible* route shall not be required.
2. In *alterations*, where compliance with applicable requirements is technically infeasible, the *alteration* shall comply with the requirements to the maximum extent feasible.
3. Residential dwelling units not required to be *accessible* in compliance with a standard issued pursuant to the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, as amended, shall not be required to comply with 202.3.

3) Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (2011)

R202.3 Alterations. Where existing elements, spaces, or facilities are altered, each altered element, space, or facility within the scope of the project shall comply with the applicable requirements for new construction.

R202.3.1 Existing Physical Constraints. Where existing physical constraints make it impracticable for altered elements, spaces, or facilities to fully comply with the requirements for new construction, compliance is required to the extent practicable within the scope of the project. Existing physical constraints 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.

