



COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
Frankfort, Kentucky 40622
www.transportation.ky.gov/

Matthew G. Bevin
Governor

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CONSTRUCTION MEMORANDUM

No. 06-2019

TO: Chief District Engineers
TEBM's for Project Delivery and Preservation
Section Engineers

THROUGH: Andy Barber, P.E. *AB*
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FROM: Ryan Griffith, P.E. *RG*
Director
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DATE: November 25, 2019

SUBJECT: Proposed Guidelines for ADA-Compliant Pedestrian Facilities in the Public Right of Way (PROWAG)

Many transportation projects coordinated by the Kentucky Transportation Cabinet (KYTC) include pedestrian facilities. Pursuant to the Americans with Disabilities Act (ADA), KYTC is committed to building and maintaining ADA-compliant pedestrian facilities. Although providing fully accessible pedestrian facilities in the public right of way presents many challenges and complexities, KYTC strives to uphold the intent and spirit of ADA to the fullest extent possible.

Because current ADA standards were developed for buildings and site work, they are not easily applied to sidewalks, curb ramps, crosswalks, parking facilities, and other pedestrian facilities adjacent to roadways in the public right of way. The Proposed Guidelines for Pedestrian Facilities in the Public Right of Way (PROWAG) make allowances for typical roadway geometry and permit flexibility when altering existing facilities. KYTC regards the 2011 PROWAG (and the 2013 supplement) as containing best practices. It will rely on their technical guidance for new construction projects and projects that alter pedestrian facilities adjacent to roadways in the public right of way.



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Occasionally, project conditions make it technically infeasible for KYTC to fully comply with PROWAG. *Technical infeasibility* means that due to existing physical constraints a facility (e.g., a sidewalk) cannot be built in a manner that conforms to the minimum accessibility guidance. PROWAG addresses situations where existing physical constraints inhibit full compliance with technical requirements. When this type of situation arises, KYTC makes a technical infeasibility determination and documents the rationale.

As part of its commitment to providing pedestrian access in accordance with the 2011 PROWAG, the Cabinet needs to: 1) inventory pedestrian facilities within its right of way, 2) upgrade or install facilities in compliance with PROWAG when within project scope, and 3) document conditions when it is technically infeasible to provide access in the manner specified by PROWAG guidelines. To fulfill these goals, the Division of Construction, supported by the Divisions of Highway Design and Maintenance, now requires the following procedures for inspection and documentation: 1) consideration of pedestrian access throughout the life of the project and 2) the adoption of a new GIS-based application (Ped Facilities App).

If the project site has existing pedestrian facilities, during the Preconstruction Conference construction management personnel should direct the Contractor to maintain pedestrian access throughout the construction process at as close to pre-construction levels as possible, pursuant to PROWAG and the Manual on Uniform Traffic Control Devices (MUTCD). Additionally, the installation of new facilities should comply with contract documents and PROWAG unless the project engineer deems it technically infeasible. If compliance is technically infeasible, the project engineer should document the reasons for this judgment. An *ADA Coordinator* will be designated by the Contractor and recorded in the Preconstruction Conference minutes. The ADA Coordinator should be proficient in ADA and PROWAG guidelines, as they will oversee the installation of pedestrian facilities and verify accessibility to the maximum extent feasible.

During construction, inspection personnel must proactively inspect and document the conditions of all pedestrian facilities within the project limits (e.g., curb ramps, landing areas, crosswalks, sidewalks, push buttons). This includes pedestrian facilities being installed as part of the project as well as those already existing. Inspection and documentation will help KYTC work toward a complete network of accessible pedestrian facilities as well as an inventory of the network. On resurfacing projects, the scope will specify only those pedestrian facilities which contact the roadway are to be updated. However, all pedestrian facilities within the projects limits should be inventoried regardless if they are updated. Resurfacing streets constitutes an alteration under the ADA and thus requires the provision of curb ramps where pedestrian walkways intersect the resurfaced streets. KYTC must improve the accessibility of only that portion of the public right of way changed or affected by the alteration. For accessibility purposes on resurfacing projects, the curbs and pavement at a pedestrian crossing lie within the project scope; sidewalks do not. When a contractor installs or updates facilities as part of their contract, they must do so pursuant to PROWAG guidelines and in accordance with KYTC Standard Drawings. If the Contractor determines it is technically infeasible to construct a facility pursuant to these guidelines, the Engineer will make a final judgment on the technical infeasibility and document it in the Ped Facilities app. Guidance on inspection and determinations of technical infeasibility are provided in the attached clipboard sheet.

The Cabinet's ROW Ped Facilities GIS application and instructions are available at: <https://transportation.ky.gov/Construction/Pages/Pedestrian-Facility-Inspection-Information.aspx> Training on the app is being planned and will be available during the upcoming construction off-season.

The Ped Facilities app was designed to accept input from users occupying three different roles: Inspector, Reviewer, and Administrator. Users should select the appropriate role based on the following guidelines:

- Inspector
 - Reserved for inspection staff, who input inspection documentation related to pedestrian facilities. The District Branch Managers over Project Delivery & Preservation should assign this responsibility to the appropriate inspectors.
- Reviewer
 - Filled by the Section Engineer. Before requesting the final project inspection, the Section Engineer completes their review to ensure the completeness and accuracy of input data.
- Administrator
 - Filled by the party responsible for the final inspection of the project (Central Office Division of Construction Liaison or PDP Branch Manager). They ensure documentation is complete and accurate.

If you have any questions, please contact Matt Looney at (502) 564-4780.

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