Adopting Ordinance & Resolutions
Selected DOJ/DOT Federal ADA Curb Ramp Technical Assistance Publications
Oregon Transportation Commission Standards for Accessible Parking Places, Sept 2023

Appendix F

Chapter 9.08 STANDARD SPECIFICATIONS FOR PUBLIC WORKS

9.08.010 Adoption of specifications.

That certain set of documents entitled "City of Jefferson Public Works Design Standards 1996," consisting of five sections, prepared by the consulting engineer for the city and reviewed by staff, is adopted as the standard specifications for public works design in the city of Jefferson, Oregon. A copy of said specifications is available at city hall. (Ord. 652 § 2, 2004; Ord. 572 § 1, 1996)

9.08.015 Amendment.

These standards may be amended by an order jointly signed by the city engineer and public works director as necessary to correct deficiencies or in response to changes in public works technologies. (Ord. 652 § 3, 2004)

9.08.020 Conformance to specifications required.

Work done and materials used for public works construction in the city of Jefferson, Oregon, shall conform to these standards, unless otherwise provided in the particular specification for work authorized by the council. (Ord. 572 § 2, 1996)

9.08.030 Violation—Penalty.

All persons who violate any of the provisions of said specifications or fail to comply therewith, or who build in violation of any detail statement of the specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, or who fail to comply with any such order as affirmed or modified by the city council or by a court of competent jurisdiction, is for each and every violation and noncompliance, respectively guilty of a civil infraction, punishable by a fine not to exceed that amount permitted by Jefferson city ordinance. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each period of ten days that a prohibited condition is maintained shall constitute a separate offense. The application of any said penalties shall not be held to prevent the enforced removal of the prohibited condition. (Ord. 596 § 1, 1999; Ord. 572 § 3, 1996)

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PWDS Update Order
CITY OF JEFFERSON, OREGON

AN ORDER UPDATING THE JEFFERSON PUBLIC WORKS DESIGN STANDARDS (PWDS).

WHEREAS, the Jefferson City Council adopted Public Works Design Standards (PWDS) in 1996, and

WHEREAS, the PWDS are subject to change as the City's needs change, as industry or regulatory standards change, to correct errors & inconsistencies discovered in the document, and to provide clarifications to recurring questions regarding City standards or procedures, and

WHEREAS, the Jefferson City Council amended the Jefferson Municipal Code to provide that *"these standards* [PWDS] *may be amended by an order jointly signed by the city engineer and public works director as necessary to correct deficiencies or in response to changes in public works technologies"* (JMC 9.08.015, per Ord. 652 adopted 2004), and

WHEREAS, the Jefferson Public Works Director and City Engineer have prepared updates to the PWDS, and finds it is necessary and appropriate to amend and update the Jefferson PWDS at this time.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Public Works Director and the City Engineer of the City of Jefferson, Oregon, as follows:

SECTION 1: JEFFERSON PUBLIC WORKS DESIGN STANDARDS AMENDED.

(a) An updated and amended version of the Jefferson Public Works Design Standards (PWDS) dated June 2026 is hereby approved (*by this reference incorporated herein, and to be made available for download on the City website*).

SECTION 2: EFFECTIVE DATE.

(a) This Order shall become effective as of the date listed below over the signatures of the Jefferson Public Works Director and the Jefferson City Engineer.
(b) This version of the PWDS supersedes any PWDS versions in use prior to this date.

Approved by the Aumsville Public Works Director and the Aumsville City Engineer, effective on the date of last signature below:

Steven A. Ward
(Printed Name of City Engineer)

(Signature of City Engineer) 6/16/26
Date

Jeff Buskirk
(Printed Name of Public Work Director)

Jeff Buskirk 6/16/26
(Signature of Public Work Director) Date

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

U.S. Department of Transportation
Federal Highway Administration

Department of Justice/Department of Transportation Joint Technical Assistance[1] on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing

Title II of the Americans with Disabilities Act (ADA) requires that state and local governments ensure that persons with disabilities have access to the pedestrian routes in the public right of way. An important part of this requirement is the obligation whenever streets, roadways, or highways are *altered* to provide curb ramps where street level pedestrian walkways cross curbs.[2] This requirement is intended to ensure the accessibility and usability of the pedestrian walkway for persons with disabilities.

An alteration is a change that affects or could affect the usability of all or part of a building or facility.[3] Alterations of streets, roads, or highways include activities such as reconstruction, rehabilitation, *resurfacing*, widening, and projects of similar scale and effect.[4] Maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations.

Without curb ramps, sidewalk travel in urban areas can be dangerous, difficult, or even impossible for people who use wheelchairs, scooters, and other mobility devices. Curb ramps allow people with mobility disabilities to gain access to the sidewalks and to pass through center islands in streets. Otherwise, these individuals are forced to travel in streets and roadways and are put in danger or are prevented from reaching their destination; some people with disabilities may simply choose not to take this risk and will not venture out of their homes or communities.

Because resurfacing of streets constitutes an alteration under the ADA, it triggers the obligation to provide curb ramps where pedestrian walkways intersect the resurfaced streets. See Kinney v. Yerusalim, 9 F 3d 1067 (3rd Cir. 1993). This obligation has been discussed in a variety of technical assistance materials published by the Department of Justice beginning in 1994.[5] Over the past few years, state and local governments have sought further guidance on the scope of the alterations requirement with respect to the provision of curb ramps when streets, roads or highways are being resurfaced. These questions have arisen largely due to the development of a variety of road surface treatments other than traditional road resurfacing, which generally involved the addition of a new layer of asphalt. Public entities have asked the Department of Transportation and the Department of Justice to clarify whether particular road surface treatments fall within the ADA definition of alterations, or whether they should be considered maintenance that would not trigger the obligation to provide curb ramps. This Joint Technical Assistance addresses some of those questions.

Where must curb ramps be provided?

Generally, curb ramps are needed wherever a sidewalk or other pedestrian walkway crosses a curb. Curb ramps must be located to ensure a person with a mobility disability can travel from a sidewalk on one side of the street, over or through any curbs or traffic islands, to the sidewalk on the other side of the street. However, the ADA does not require installation of ramps or curb ramps in the absence of a pedestrian walkway with a prepared surface for pedestrian use. Nor are curb ramps required in the absence of a curb, elevation, or other barrier between the street and the walkway.

When is resurfacing considered to be an alteration?

Resurfacing is an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling. Examples include, but are not limited to the following treatments or their equivalents: addition of a new layer of asphalt, reconstruction, concrete pavement rehabilitation and reconstruction, open-graded surface course, micro-surfacing and thin lift overlays, cape seals, and in-place asphalt recycling.

What kinds of treatments constitute maintenance rather than an alteration?

Treatments that serve solely to seal and protect the road surface, improve friction, and control splash and spray are considered to be maintenance because they do not significantly affect the public's access to or usability of the road. Some examples of the types of treatments that would normally be considered maintenance are: painting or striping lanes, crack filling and sealing, surface sealing, chip seals, slurry seals, fog seals, scrub sealing, joint crack seals, joint repairs, dowel bar retrofit, spot high-friction treatments, diamond grinding, and pavement patching. In some cases, the combination of several maintenance treatments occurring at or near the same time may qualify as an alteration and would trigger the obligation to provide curb ramps.

What if a locality is not resurfacing an entire block, but is resurfacing a crosswalk by itself?

Crosswalks constitute distinct elements of the right-of-way intended to facilitate pedestrian traffic. Regardless of whether there is curb-to-curb resurfacing of the street or roadway in general, resurfacing of a crosswalk also requires the provision of curb ramps at that crosswalk.

July 8, 2013

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1 The Department of Justice is the federal agency with responsibility for issuing regulations implementing the requirements of title II of the ADA and for coordinating federal agency compliance activities with respect to those requirements. Title II applies to the programs and activities of state and local governmental entities. The Department of Justice and the Department of Transportation share responsibility for enforcing the requirements of title II of the ADA with respect to the public right of way, including streets, roads, and highways.

2 See 28 CFR 35.151(*i*)(1) (Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway) and 35.151(i)(2) (Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways).

3 28 CFR 35.151(b)(1).

4 2010 ADA Accessibility Standards, section 106.5.

5 See 1994 Title II Technical Assistance Manual Supplement, Title II TA Guidance: The ADA and City Governments: Common Problems; and ADA Best Practices Tool Kit for State and Local Governments: Chapter 6, Curb Ramps and Pedestrian Crossings under Title II of the ADA, available at ada.gov.

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

U.S. Department of Transportation
Federal Highway Administration

QUESTIONS & ANSWERS
Supplement to the 2013 DOJ/DOT Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements To Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing

The *Department of Justice (DOJ)/Department of Transportation (DOT) Joint Technical Assistance on the Title II of the Americans with Disabilities Act [ADA] Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing (Joint Technical Assistance)* was published on July 8, 2013. This document responds to frequently asked questions that the Federal Highway Administration (FHWA) has received since the technical assistance document was published. In order to fully address some questions, the applicable requirements of Section 504 of the Rehabilitation Act of 1973 that apply to public entities receiving Federal funding from DOT, either directly or indirectly, are also discussed. This document is not a standalone document and should be read in conjunction with the 2013 Joint Technical Assistance.

Q1: ***When a pavement treatment is considered an alteration under the ADA and there is a curb ramp at the juncture of the altered road and an existing sidewalk (or other prepared surface for pedestrian use), but the curb ramp does not meet the current ADA Standards, does the curb ramp have to be updated to meet the current ADA Standards at the time of the pavement treatment?***

A1: It depends on whether the existing curb ramp meets the appropriate accessibility standard that was in place at the time it was newly constructed or last altered.

When the Department of Justice adopted its revised title II ADA Regulations including the updated ADA Standards for Accessible Design (2010 Standards,[1] as defined in 28 CFR 35.151), it specified that "(e)lements that have not been altered in existing facilities on or after March 15, 2012, and that comply with the corresponding technical and scoping specifications for those elements in either the 1991 Standards or in the Uniform Federal Accessibility Standards (UFAS) ... are not required to be modified in order to comply with the requirements set forth in the 2010 Standards." 28 C.F.R. 35.150(b)(2)(i). As a result of this "safe harbor" provision, if a curb ramp was built or altered prior to March 15, 2012, and complies with the requirements for curb ramps in either the 1991 ADA Standards for Accessible Design (1991 Standards, known prior to 2010 as the 1991 ADA Accessibility Guidelines, or the 1991 ADAAG) or UFAS, it does **not** have to be modified to comply with the requirements in the 2010 Standards. However, if that existing curb ramp did not comply with either the 1991 Standards or UFAS as of March 15, 2012, then the safe harbor does not apply and the curb ramp must be brought into compliance with the requirements of the 2010 Standards concurrent with the road alteration. *See* 28 CFR 35.151(c) and (i).

Note that the requirement in the 1991 Standards to include detectable warnings on curb ramps was suspended for a period between May 12, 1994, and July 26, 1998, and again between December 23, 1998, and July 26, 2001. If a curb ramp was newly constructed or was last altered when the detectable warnings requirement was suspended, and it otherwise meets the 1991 Standards, Title II of the ADA does not require that the curb ramp be modified to add detectable warnings in conjunction with a road resurfacing alteration project. *See* Question #14 however, for a discussion of the DOT Section 504 requirements, including detectable warnings.

Q2: ***The Joint Technical Assistance states that "[r]esurfacing is an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling." What constitutes "overlays of additional material to the road surface" with respect to milling, specifically, when a roadway surface is milled and then overlaid at the same height (i.e., no material is added that exceeds the height of what was present before the milling)?***

A2: A project that involves milling an existing road, and then overlaying the road with material, regardless of whether it exceeds the height of the road before milling, falls within the definition of "alteration" because it is a change to the road surface that affects or could affect the usability of the pedestrian route (crosswalk). *See Kinney v. Yerusalim*, 9 F.3d 1067 (3rd Cir. 1993). Alterations require the installation of curb ramps if none previously existed, or upgrading of non-compliant curb ramps to meet the applicable standards, where there is an existing pedestrian walkway. *See* also Question 8.

Q3: ***If a roadway resurfacing alteration project does not span the full width of the road, do I have to put in curb ramps?***

A3: It depends on whether the resurfacing work affects a pedestrian crosswalk. If the resurfacing affects the crosswalk, even if it is not the full roadway width, then curb ramps must be provided at both ends of the crosswalk. *See* 28 CFR 35.151(i).

Public entities should not structure the scope of work to avoid ADA obligations to provide curb ramps when resurfacing a roadway. For example, resurfacing only between crosswalks may be regarded as an attempt to circumvent a public entity's obligation under the ADA, and potentially could result in legal challenges.

If curb ramp improvements are needed in the vicinity of an alteration project, it is often cost effective to address such needs as part of the alteration project, thereby advancing the public entity's progress in meeting its obligation to provide program access to its facilities. *See* Question 16 for further discussion.

Q4: ***When a road alteration project triggers the requirement to install curb ramps, what steps should public (State or local) entities take if they do not own the sidewalk right-of-way needed to install the required curb ramps?***

A4: The public entity performing the alteration is ultimately responsible for following and implementing the ADA requirements specified in the regulations implementing title II. At the time an alteration project is scoped, the public entity should identify what ADA requirements apply and whether the public entity owns sufficient right-of-way to make the necessary ADA modifications. If the public entity does not control sufficient

right-of-way, it should seek to acquire the necessary right-of-way. If a complaint is filed, the public entity will likely need to show that it made reasonable efforts to obtain access to the necessary right-of-way.

Q5: ***The Joint Technical Assistance is silent on when it becomes effective. Is there an effective date or when States and local public entities must comply with the requirements discussed in the technical assistance?***

A5: The Joint Technical Assistance, as well as this Supplement to it, does not create any new obligations. The obligation to provide curb ramps when roads are altered has been an ongoing obligation under the regulations implementing title II of the ADA (28 CFR 35.151) since the regulation was initially adopted in 1991. This technical assistance was provided to respond to questions that arose largely due to the development of a variety of road surface treatments, other than traditional road resurfacing, which generally involved the addition of a new layer of asphalt. Although the Joint Technical Assistance was issued on July 8, 2013, public entities have had an ongoing obligation to comply with the alterations requirements of title II and should plan to bring curb ramps that are or were part of an alteration into compliance as soon as possible.

Q6: ***Is the curb ramp installation work required to be a part of the Plans, Specifications and Estimate package for an alteration project or can the curb ramp work be accomplished under a separate contract?***

A6: The curb ramp installation work can be contracted separately, but the work must be coordinated such that the curb ramp work is completed prior to, or at the same time as, the completion of the rest of the alteration work. *See* 28 CFR 35.151(i).

Q7: ***Is a curb ramp required for a sidewalk that is not made of concrete or asphalt?***

A7: The Joint Technical Assistance states that "the ADA does not require installation of ramps or curb ramps in the absence of a pedestrian walkway with a prepared surface for pedestrian use." A "prepared surface for pedestrian use" can be constructed out of numerous materials, including concrete, asphalt, compacted soil, decomposed granite, and other materials. Regardless of the materials used to construct the pedestrian walkway, if the intent of the design was to provide access to pedestrians, then curb ramps must be incorporated where an altered roadway intersects the pedestrian walkway. *See* 28 CFR 35.151(i).

Q8: ***If an existing curb ramp is replaced as part of a resurfacing alteration, is there an obligation to address existing obstacles on the adjacent sidewalk at the same time?***

A8: No. The Joint Technical Assistance addresses those requirements that are triggered when a public entity alters a roadway where the roadway intersects a street level pedestrian walkway (28 CFR 35.151(i)). Public entities are required to address other barriers on existing sidewalks, such as steep cross slopes or obstructions, as part of their on-going program access and transition plan obligations under title II of the ADA and Section 504 and in response to requests for reasonable modifications under the ADA or reasonable accommodations under Section 504. *See* 28 CFR 35.105, 35.130(b)(7), and 35.150(d); *see also* 49 CFR 27.7(e), 27.11(c)(2).

Q9: ***Several pavement preservation treatment types are not listed in the technical assistance. If the treatment type is not specifically on the list of maintenance treatments, is it an alteration?***

A9: New treatments are always being developed and the best practice is for the City or other local public entity conducting the work, the State transportation agency, and FHWA to work together to come to an agreement on a reasonable determination of whether the unlisted treatment type is an alteration or maintenance and document their decisions. If the new treatment can be deemed to be the equivalent of any of the items listed as alterations, it is a reasonable interpretation that they are in fact alterations and should be treated as such.

Q10: ***When does a combination of two or more 'maintenance' treatments rise to the level of being an alteration?***

A10: The list of the pavement types that are considered maintenance, as stated in the 2013 Joint Technical Assistance document, are Chip Seals, Crack Filling and Sealing, Diamond Grinding, Dowel Bar Retrofit, Fog Seals, Joint Crack Seals, Joint Repairs, Pavement Patching, Scrub Sealing, Slurry Seals, Spot High-Friction Treatments, and Surface Sealing. The combination of two or more maintenance treatments may rise to the level of being an alteration.

The best practice is for the City or other local public entity conducting the work, the State transportation agency, and FHWA to work together to come to an agreement on a reasonable determination, document their policies, and apply that determination consistently in their locality.

Q11: ***When will utility trench work require compliance with ADA curb ramp requirements?***

A11: The answer to this question depends on the scope and location of the utility trench work being done. If the utility trench work is limited to a portion of the pavement, even including a portion of the crosswalk, repaving necessary to cover the trench would typically be considered maintenance and would not require simultaneous installation or upgrading of curb ramps. Public entities should note that the ADA requires maintenance of accessible features, and as such, they must ensure that when the trench is repaved or other road maintenance is performed, the work does not result in a lesser level of accessibility. *See* 28 CFR 35.133(a). If the utility work impacts the curb at a pedestrian street crossing where no curb ramp exists, the work affecting the curb falls within the definition of "alteration," and a curb ramp must be constructed rather than simply replacing the curb. *See* 28 CFR 35.151(b) and 35.151(i).

If a public entity is unsure whether the scope of specific trench work and repair/repaving constitutes an alteration, the best practice is for the public entity to work together with the State transportation agency and the FHWA Division to come to an agreement on how to consistently handle these situations and document their decisions.

Q12: ***Is full-depth pavement patching considered maintenance?***

A12: The answer to this question depends on the scope and location of the pavement patch. If the pavement patch work is limited to a portion of the pavement, even including a portion of the crosswalk, patching the pavement would typically be considered maintenance and would not require simultaneous installation or upgrading of curb ramps. Public entities should note that the ADA requires maintenance of accessible features, and as such, they should ensure that when the pavement is patched or other road maintenance is performed, the work does not result in a lesser level of accessibility. *See* 28 CFR 35.133(a). If the pavement

patching impacts the curb at a pedestrian street crossing where no curb ramp exists, the work affecting the curb falls within the definition of "alteration," and a curb ramp must be constructed rather than simply replacing the curb. *See* 28 CFR 35.151(b) and 35.151(i).

If a public entity is unsure whether the scope of specific full-depth pavement patching constitutes an alteration, the best practice is for the public entity to work together with the State transportation agency and the FHWA Division to come to an agreement on how to consistently handle these situations and document their decisions.

Q13: ***Do any other requirements apply to road alteration projects undertaken by public entities that receive Federal financial assistance from DOT either directly or indirectly, even if such financial assistance is not used for the specific road alteration project at issue?***

A13: Yes, if a public entity receives any Federal financial assistance from DOT whether directly or through another DOT recipient, then the entity must also apply DOT's Section 504 requirements even if the road alteration project at issue does not use Federal funds. *See* 49 CFR 27.3 (applicability of DOT's Section 504 requirements) and 27.5 (definition of "program or activity").

DOT's Section 504 disability nondiscrimination regulations are found at 49 CFR Part 27. These regulations implement Section 504 of the Rehabilitation Act of 1973 (Section 504). In 2006, DOT updated its accessibility standards by adopting the 2004 Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG[2]) into its Section 504 regulations at 49 CFR 27.3 (referencing 49 CFR Part 37, Appendix A). These requirements replaced the previously applicable ADA Standards for Accessible Design (1991) (formerly known as 1991 ADAAG). At that time, DOT's regulation adopted a modification to Section 406 of the 2004 ADAAG which required the placement of detectable warnings on curb ramps.

The revised DOT Section 504 regulation also provided a "safe harbor" provision (similar to the ADA provision discussed in Question 1) that applies to curb ramps that were newly constructed or altered by entities receiving Federal financial assistance from DOT and that were in compliance with the 1991 ADAAG requirements prior to November 29, 2006. If the "safe harbor" applies, these curb ramps are still considered compliant and do not have to be modified to add detectable warnings unless they are altered after November 29, 2006. The DOT "safe harbor" provision is found at 49 CFR 37.9(c). DOT's Section 504 regulations (49 CFR 27.19(a)) require compliance with 49 CFR Part 37.

The Section 504 safe harbor does not apply, however, if, at the time of the road alteration project, the existing curb ramp does not comply with the 1991 ADAAG and at that time it must be brought into compliance with the current DOT Section 504 requirements (2004 ADAAG) including detectable warnings.

Q14: ***Does the Section 504 safe harbor apply to curb ramps built in compliance with 1991 ADAAG during the time period when the requirement for detectable warnings was suspended and the roadway is now being resurfaced where it intersects the pedestrian walkway?***

A14: If the curb ramps that were built or altered prior to November 29, 2006 were fully compliant with 1991 ADAAG at the time that the detectable warnings requirements were suspended, then the DOT Section 504

safe harbor applies to them and the recipient does not have to add detectable warnings as a result of a resurfacing project.

Q15: ***In addition to the obligations triggered by road resurfacing alterations, are there other title II or Section 504 requirements that trigger the obligation to provide curb ramps?***

A15: In addition to the obligation to provide curb ramps when roads are resurfaced, both DOJ's title II ADA regulation and DOT's Section 504 regulation (applicable to recipients of DOT Federal financial assistance), require the provision of curb ramps if the sidewalk is installed or altered at the intersection, during new construction, as a means of providing program accessibility, and as a reasonable modification under title II or a reasonable accommodation under Section 504.

New Construction and Alterations

DOJ's title II ADA regulation provides that newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway. In addition, the regulation provides that newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways. *See* 28 CFR 35.151(i). These curb ramps must comply with the 2010 Standards.[3]

DOT's Section 504 Federally assisted regulation also requires the provision of curb ramps in new construction and alterations. *See* 49 CFR 27.19(a) (requiring recipients of DOT financial assistance to comply with DOJ's ADA regulation at 28 CFR Part 35, including the curb ramp requirements at 28 CFR 35.151(i)); 49 CFR 27.75 (a)(2) (requiring all pedestrian crosswalks constructed with Federal financial assistance to have curb cuts or ramps).

Program Accessibility

Both DOJ's title II ADA regulation and DOT's Section 504 regulation require that public entities/recipients operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This obligation, which is known as providing "program accessibility," includes a requirement to evaluate existing facilities in the public right-of-way for barriers to accessibility, including identifying non-existent or non-compliant curb ramps where roads intersect pedestrian access routes (sidewalks or other pedestrian walkways). After completing this self-evaluation, a public entity/recipient must set forth a plan for eliminating such barriers so as to provide overall access for persons with disabilities. *See* 28 CFR 35.150, and 49 CFR 27.11(c).

Since March 15, 2012, the DOJ title II regulation requires the use of the 2010 Standards for structural changes needed to provide program access. However, in accordance with the ADA safe harbor discussed in Question 1, if curb ramps constructed prior to March 15, 2012 already comply with the curb ramp requirements in the 1991 Standards, they need not be modified in accordance with the 2010 Standards in order to provide program access, unless they are altered after March 15, 2012.

Similarly, DOT's Section 504 "safe harbor" allows curb ramps that were newly constructed or altered prior to November 29, 2006, and that meet the 1991 ADAAG to be considered compliant.[4] Elements not covered

under the safe harbor provisions may need to be modified to provide program access and should be incorporated into a program access plan for making such modifications. 49 CFR 27.11(c)(2).

Under Section 504, self-evaluations and transition plans should have been completed by December 29, 1979. Under the ADA, transition plans should have been completed by July 26, 1992, and corrective measures should have been completed by January 26, 1995. While these deadlines have long since passed, entities that did not develop a transition plan prior to those dates should begin immediately to complete their self-evaluation and develop a comprehensive transition plan.

Reasonable Modification /Accommodation

In addition to alteration and program accessibility obligations, public entities may have an obligation under title II and Section 504 to undertake curb ramp construction or alteration as a "reasonable modification/accommodation" in response to a request by, or on behalf of, someone with a disability. Such a request may be made to address a non-compliant curb ramp outside of the schedule provided in the public entity's transition plan. A public entity must appropriately consider such requests as they are made. 28 CFR 35.130(b)(7); 49 CFR 27.7(e).

December 1, 2015

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1 The 2010 Standards can be found on DOJ's website at http://www.ada.gov/2010ADAstandards_index.htm.

2 In 2004, the United States Architectural and Transportation Barriers Board (U.S. Access Board) published the Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG), which serve as the basis of the current enforceable ADA standards adopted by both DOT and DOJ.

3 The 2010 Standards include a provision on equivalent facilitation that allows covered entities to use other designs for curb ramps if such designs provide equal or greater access. *See* section 103 of the 2010 Standards.

4 The DOT "safe harbor" provision is found at 49 CFR 37.9(c). DOT's Section 504 regulations (49 CFR 27.19(a)) require compliance with 49 CFR Part 37.

Oregon
Department
of Transportation

Standards for Accessible Parking Places

Oregon Transportation Commission

2023

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This information can be made available in alternative format by contacting the Traffic-Roadway Section at 503-986-3568.

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Oregon Department of Transportation

Engineering & Technical Services Branch

Traffic-Roadway Section

4040 Fairview Industrial Dr

Salem, Oregon 97302

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Accessibility at ODOT

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Introduction

In accordance with Oregon Revise Statute (ORS) 447.233, the Oregon Transportation Commission (OTC) adopted standards for accessible person parking places, which took effect on Jan. 22, 1992. All new construction or re-striping of accessible parking spaces and access aisles is required to meet new minimum standards.

The layouts, signing, and pavement marking standards for accessible parking places presented in this document have been adapted from, and shall comply with, the listed "referenced standards" shown on page 5. Further information and requirements for accessible design can be found in the "referenced standards."

The 2023 edition of these standards does not change any content. This new addition is now American Disabilities Act (ADA) compatible and has new contacts for information to reflect changes in staffing at ODOT. Links to various resources have also been updated.

1.0 – Parking Lot Layouts

An accessible parking space shall be at least 9′ wide with an adjacent access aisle at least 6′ wide. The access aisle shall be at least 8′ wide for an accessible parking space designated as "van-accessible" or reserved for wheelchair users only. Example layouts are shown in Figures 1 through 5.

The access aisle must be located on the passenger side of the parking space (Figure 1) except that two adjacent accessible parking spaces may share a common access aisle (Figures 2, 3, and 5).

Refer to Chapter 11 of the Oregon Structural Specialty Code to calculate the required number of accessible parking spaces and for other requirements.

2.0 – Pavement Markings

Details of pavement markings are shown in Figures 1 through 5. Each accessible parking space shall have a pavement marking stencil as shown in Figure 6. Pavement markings and stencils are required to be white and should be retroreflective. The use of blue curb and blue background on pavement marking stencils is optional.

The symbol for the pavement marking stencil is the international symbol of access as shown in the ***Standard Highway Signs*** book published by the Federal Highway Administration (FHWA).

Pavement marking stencil is available in two different sizes:

- **Minimum** – Used for facilities not on the state highway right of way.
- **Standard** – Used for facilities on the state highway right of way.

Each access aisle shall have a "No Parking" pavement marking legend as shown in Figure 7. The "No Parking" pavement legend shall be either white or yellow (for added contrast) and should be retroreflective.

3.0 – Sign Design

Each accessible parking space shall have the appropriate sign(s) as required below. All signs are required to be retroreflective.

There are five different signs that are used for accessible parking spaces:

- **Sign No. R7-8 (Figure 8)** – This is the standard sign used to designate accessible parking spaces. All accessible parking spaces shall have this sign. The symbol

- for this sign is the international symbol of access as shown in the ***Standard Highway Signs*** book published by the FHWA.
- **Sign No. R7-8P (Figure 9)** – The "VAN ACCESSIBLE" sign is used with R7-8 sign to designate those accessible parking spaces that have a minimum 8′ wide access aisle. Any vehicle with a DMV disabled permit can use van-accessible spaces.
- **Sign No. OR7-8c (Figure 10)** – The "WHEELCHAIR USER ONLY" sign is used with R7-8 and R7-8P signs to designate those accessible parking spaces that have a minimum 8′ wide access aisle and are reserved for wheelchair users only. Only those vehicles with a DMV disabled permit displaying a "Wheelchair User" placard or decal can use these parking spaces.
- **Sign No. OR7-9 (Figure 11)** – The "ACCESS AISLE NO PARKING" sign is installed in areas where the "No Parking" pavement marking stencil may not be visible regularly due to snow or sand.
- **Sign No. OR7-9a (Figure 11)** – The arrow sign is only used with OR7-9 sign when placement of the OR7-9 cannot be placed at the back of the accessible route directly in view of entire access aisle. In this case sign OR7-9 can be placed to one side of the ramp with the arrow sign pointing to the access aisle. The arrow sign shall be reversed to point correctly down towards the access aisle in this circumstance.

4.0 – Sign Mounting

Post-mounted signs shall be installed with a vertical clearance of 7′ (±3″) between the bottom of the sign to the ground line. If more than one sign is required for an accessible parking space, all signs shall be mounted on a single post except for the "ACCESS AISLE NO PARKING" and arrow signs. When signs are mounted on buildings or piers, a vertical clearance of 5′ minimum shall be maintained between the bottom of the sign and the floor of the parking space. The sign(s) shall be laterally placed as shown in Figures 1 and 2.

Posts and hardware used to mount signs on the state highway right of way shall be according to ODOT standard drawings and standard specifications for construction. Posts and hardware used to mount signs on public right of way other than state highways may have different requirements. Posts and hardware used to mount signs on private right of way are at the discretion of the owner. It is advisable to contact an engineer for an analysis of post and mounting hardware if in doubt.

5.0 – Other Considerations

On state highway right of way, requests for work must be submitted through the appropriate ODOT district office. All work must meet the applicable ODOT standards and specifications.

On public or private right of way other than on the state highway, requests for work must be submitted through the appropriate local jurisdiction. This may include the public works department, the local building department and/or the building codes division. All work must meet the applicable local agency and/or building codes division standards and specifications.

6.0 – Contacts

Contractors/Suppliers – Most sign suppliers, striping contractors, and pavement marking stencil contractors are familiar with the requirements of this document, but one may want to make sure to make sure work does not have to be redone.

Building Codes Division – For questions regarding the Oregon Structural Specialty Code, Chapter 11 – Accessibility, enforcement of accessible design standards, and inspections, contact:

- Building Codes Division – 503-378-4133
  E-mail: Bcd.info@oregon.gov

Oregon Department of Transportation (ODOT) – For questions regarding the information, contact the following based on the type of information needed:

Sign questions:
- State Traffic Sign Engineer Marie Kennedy, PE – 503-986-4013
  E-mail: Marie.Kennedy@odot.oregon.gov

Pavement Marking questions:
- Traffic Marking & Sign Engineer Frank Belleque, PE – 503-428-6874
  E-mail: Frank.Belleque@odot.oregon.gov

All other related ADA questions:
- Senior ADA Standards Engineer Taundra Mortensen, PE – 503-400-4256
  E-mail: Taundra.L.Mortensen@odot.oregon.gov

Driver and Motor Vehicle Services Division (DMV) – For questions regarding obtaining and using disabled vehicle permits, contact your local DMV office found in the government pages of the phone book or online at http://www.oregon.gov/ODOT/DMV.

Local Police – For questions regarding enforcement of individuals parking improperly in an accessible space, contact your local police agency found in the government pages of the phone book.

Advocacy Groups – For general accessible parking info, support, and resources, contact:

- **Oregon Paralyzed Veterans of America** – 503-362-7998
  Oregon Paralyzed Veterans of America (tristatepva.org)

- **Oregon Disabilities Commission** – 800-282-8096
  https://www.oregon.gov/DHS/SENIORS-DISABILITIES/ADVISORY/ODC/Pages/index.aspx

- **Northwest ADA Center** – 800-949-4232
  http://www.dbtacnorthwest.org/contact-us

- **U.S. Department of Justice** – 800-514-0301
  http://www.ada.gov/

7.0 – Referenced Standards

1) Oregon Revised Statute (ORS) 447.233: oregonlegislature.gov/bills_laws/ors/ors447.html

2) Oregon Structural Specialty Code, Chapter 11 Accessibility:
   http://ecodes.biz/ecodes_support/free_resources/Oregon/14_Structural/PDFs/Chapter%2011%20-%20Accessibility.pdf

3) 2010 ADA Standards for Accessible Design:
   http://www.ada.gov/2010ADAstandards_index.htm

4) FHWA Standard Highway Signs (SHS):
   http://mutcd.fhwa.dot.gov/sershs_millennium.htm

5) Manual on Uniform Traffic Control Devices (MUTCD): http://mutcd.fhwa.dot.gov/

6) ODOT Standard Drawings:
   http://www.oregon.gov/ODOT/Engineering/Pages/Standards.aspx

7) ODOT Standard Specifications:
   http://www.oregon.gov/ODOT/Business/Pages/Standard_Specifications.aspx

8) ODOT Sign Policy and Guidelines:
   https://www.oregon.gov/ODOT/Engineering/Pages/Sign-Policy.aspx

Figure 1: Single-Accessible Parking Space

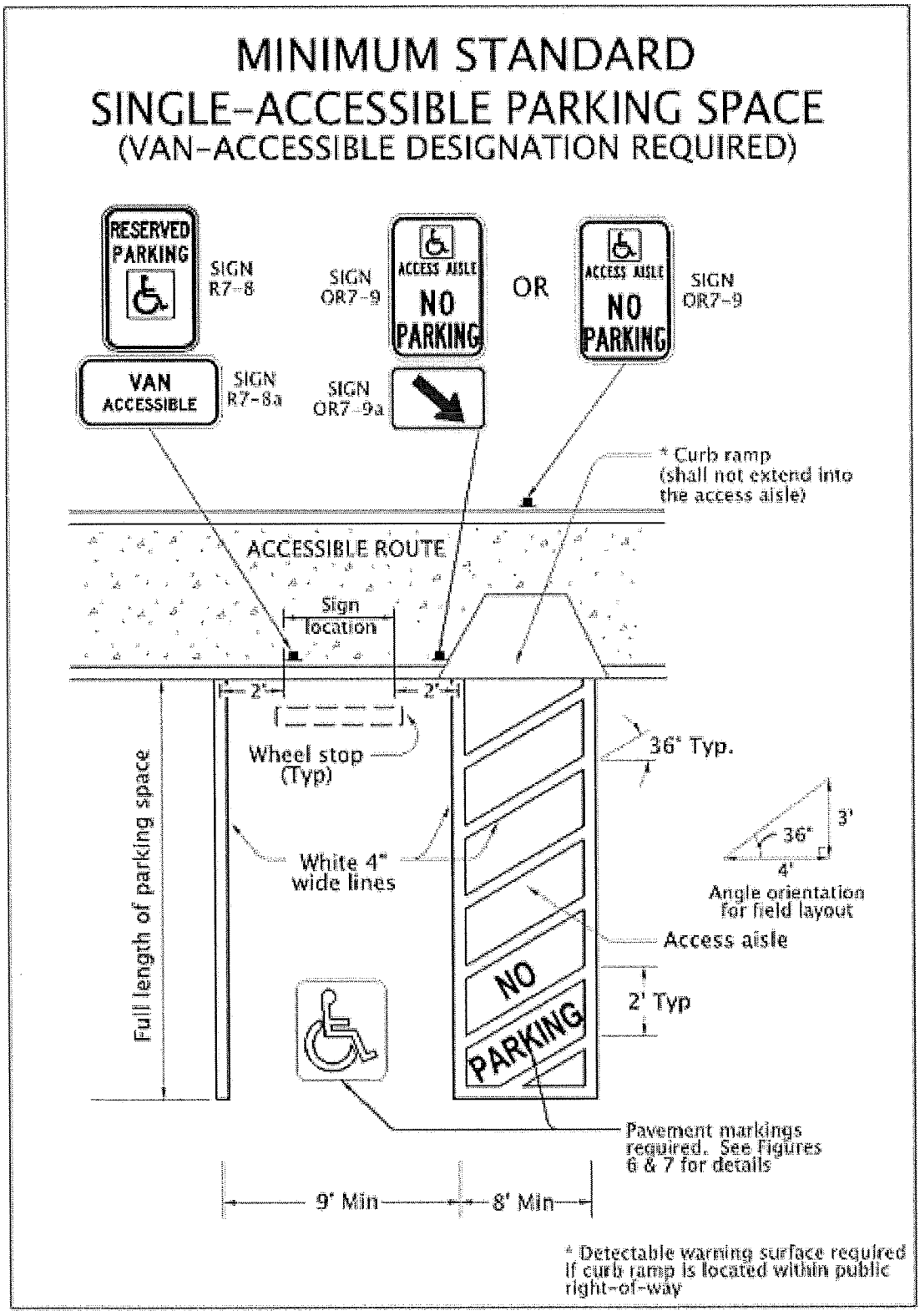


Figure 2: Double-Accessible Parking Space

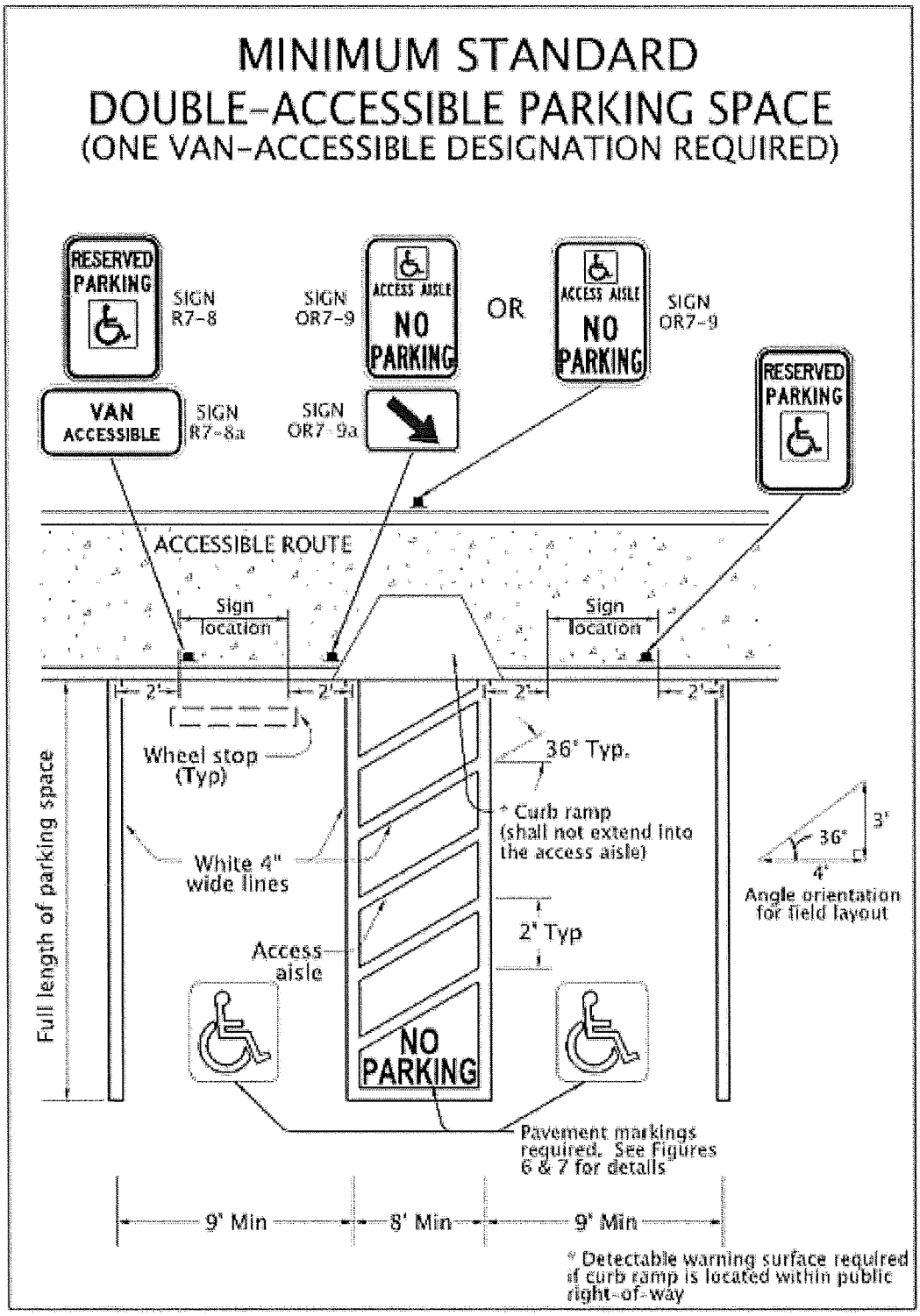


Figure 3: Five-Accessible Parking Spaces layout

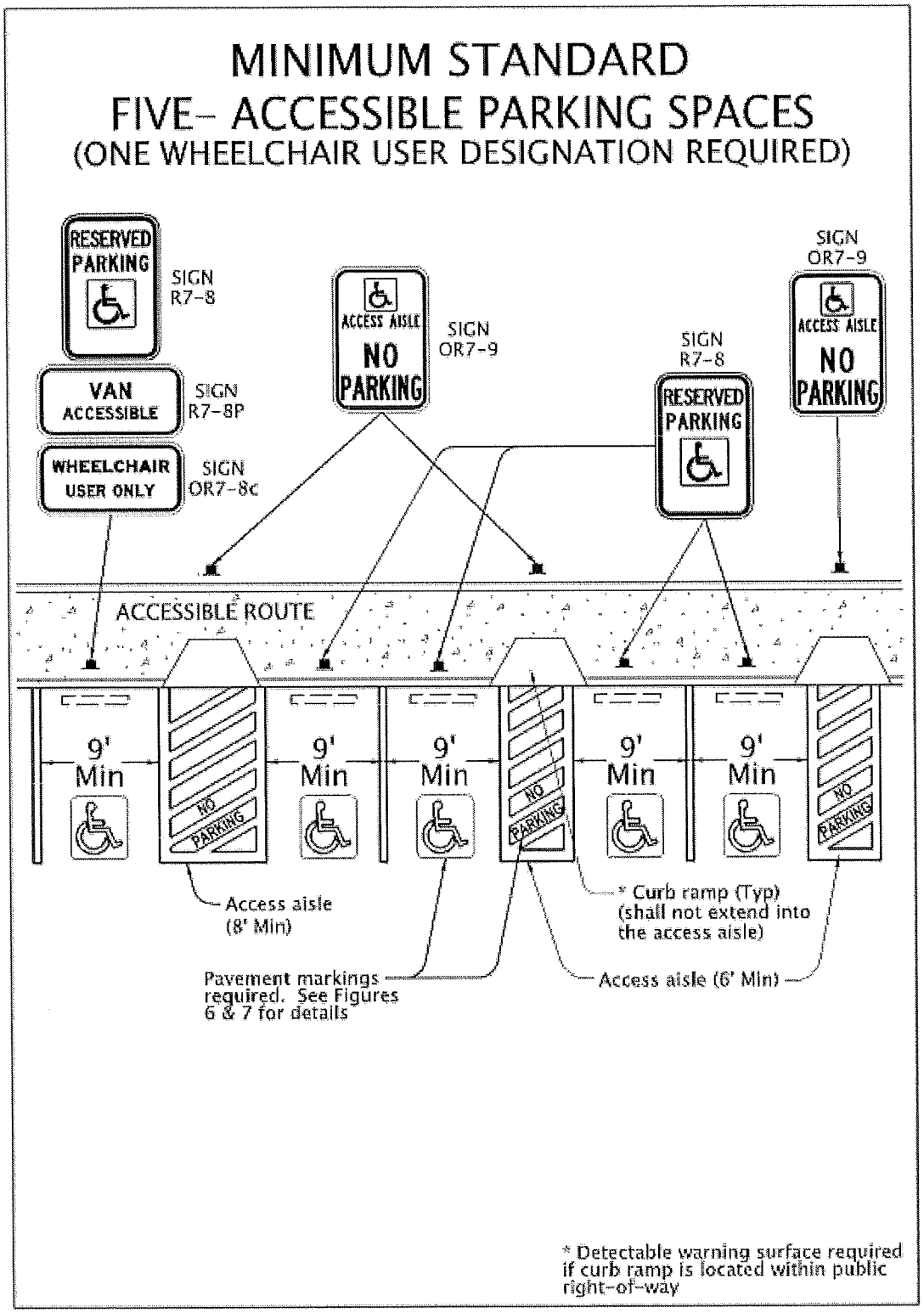


Figure 4: Parallel - Accessible Parking layout

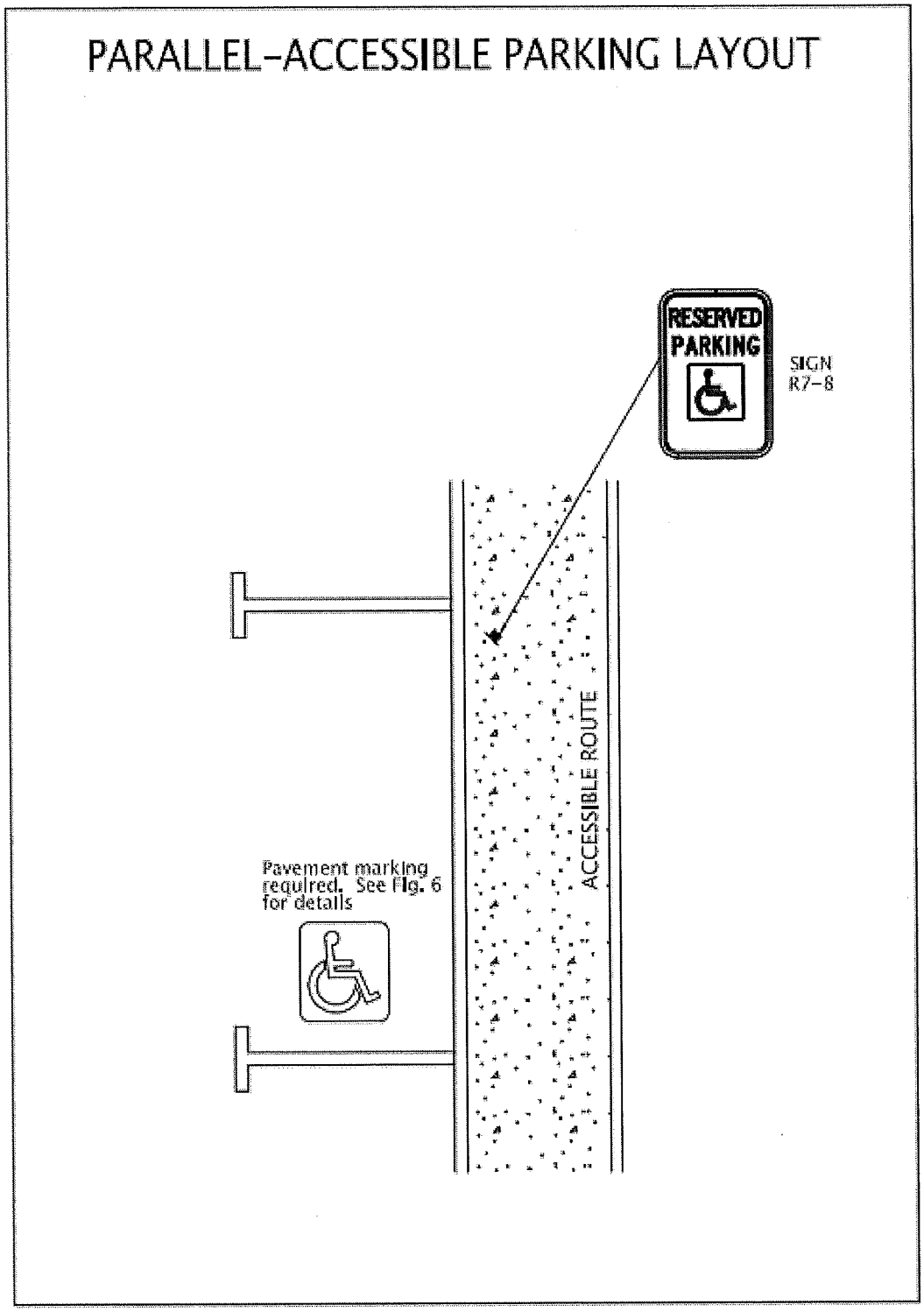


Figure 5: Parallel - Accessible Parking layout

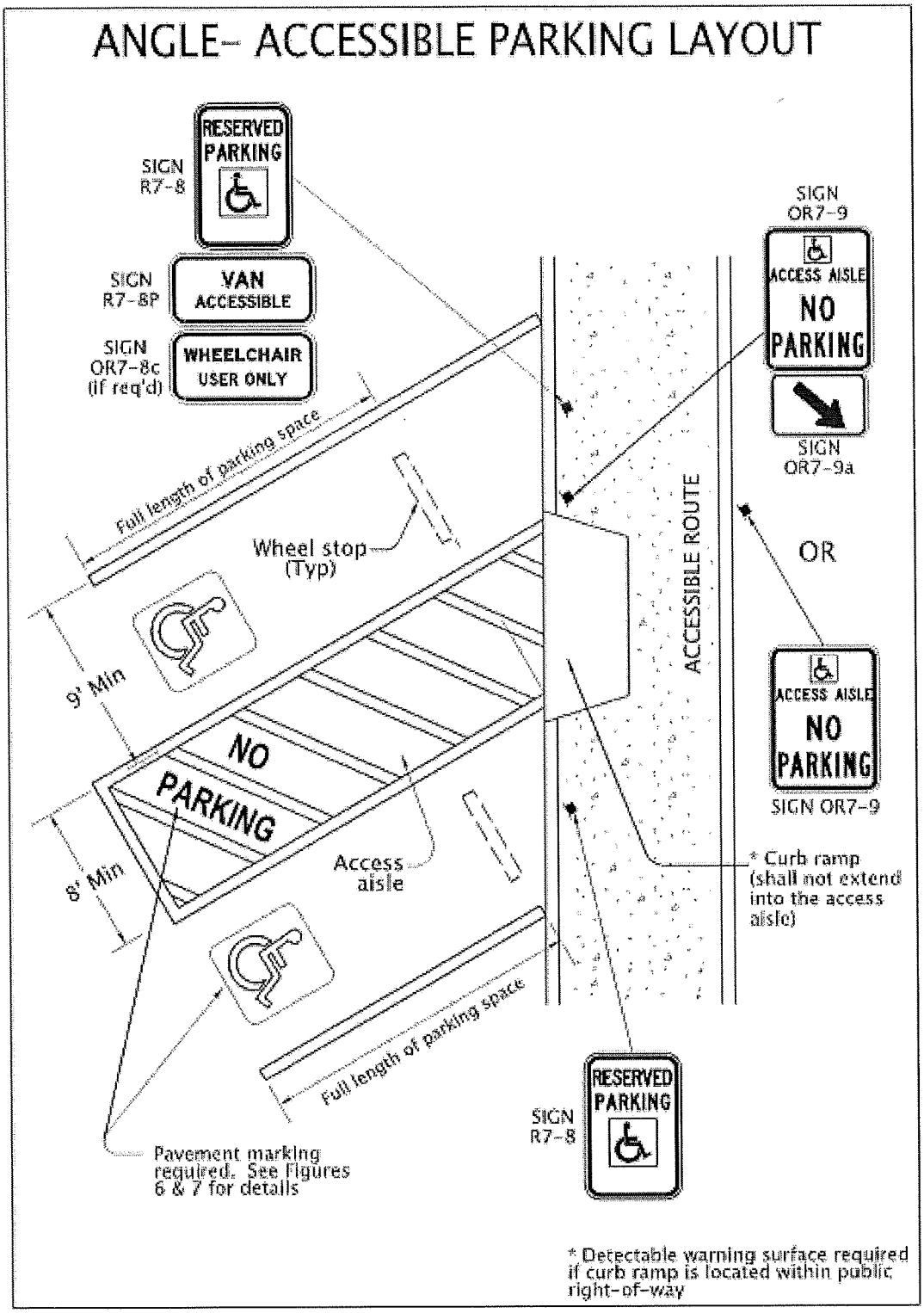
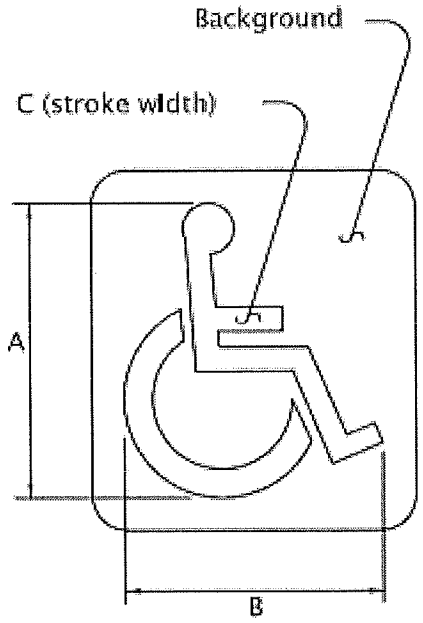


Figure 6: Pavement Marking Stencil for an Accessible Parking Spot

PAVEMENT MARKING STENCIL



Pavement Marking Background: Optional: Blue, Retroreflective

Pavement Marking Stencil: White, Retroreflective

LEGEND	DIMENSIONS (INCHES)						
	A	B	C	D	E	F	G
MINIMUM	28	24	3				
STANDARD	41	36	4				

The pavement marking stencil shall be used to designate an accessible parking area reserved for vehicles with DMV permits.

Figure 7: Pavement Marking Legend details for NO PARKING

Figure 8: Sign design details for an accessible parking spot

Sign Background:	White, Retroreflective sheeting
Sign Legend:	Green, Retroreflective sheeting
Sign Symbol:	White on Blue, Retroreflective sheeting

Refer to Standard Highway Signs book for details.

The Disabled Person parking sign is used to designate a parking area reserved for vehicles with DMV permit as stated.

Figure 9: Sign design details for a sign rider to denote a van accessible parking spot

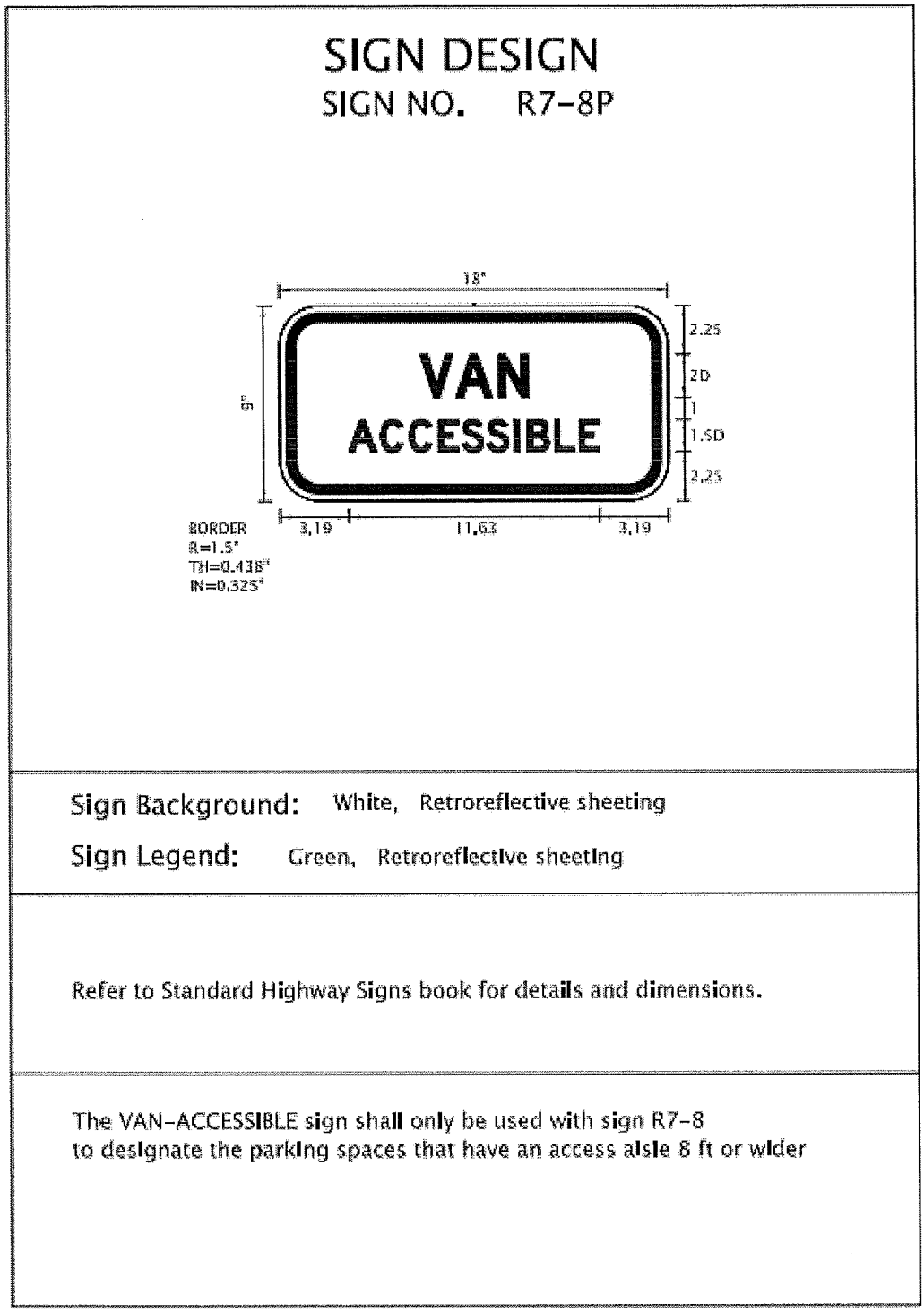


Figure 10: Sign design details for a sign rider to denote wheelchair only use for the parking spot

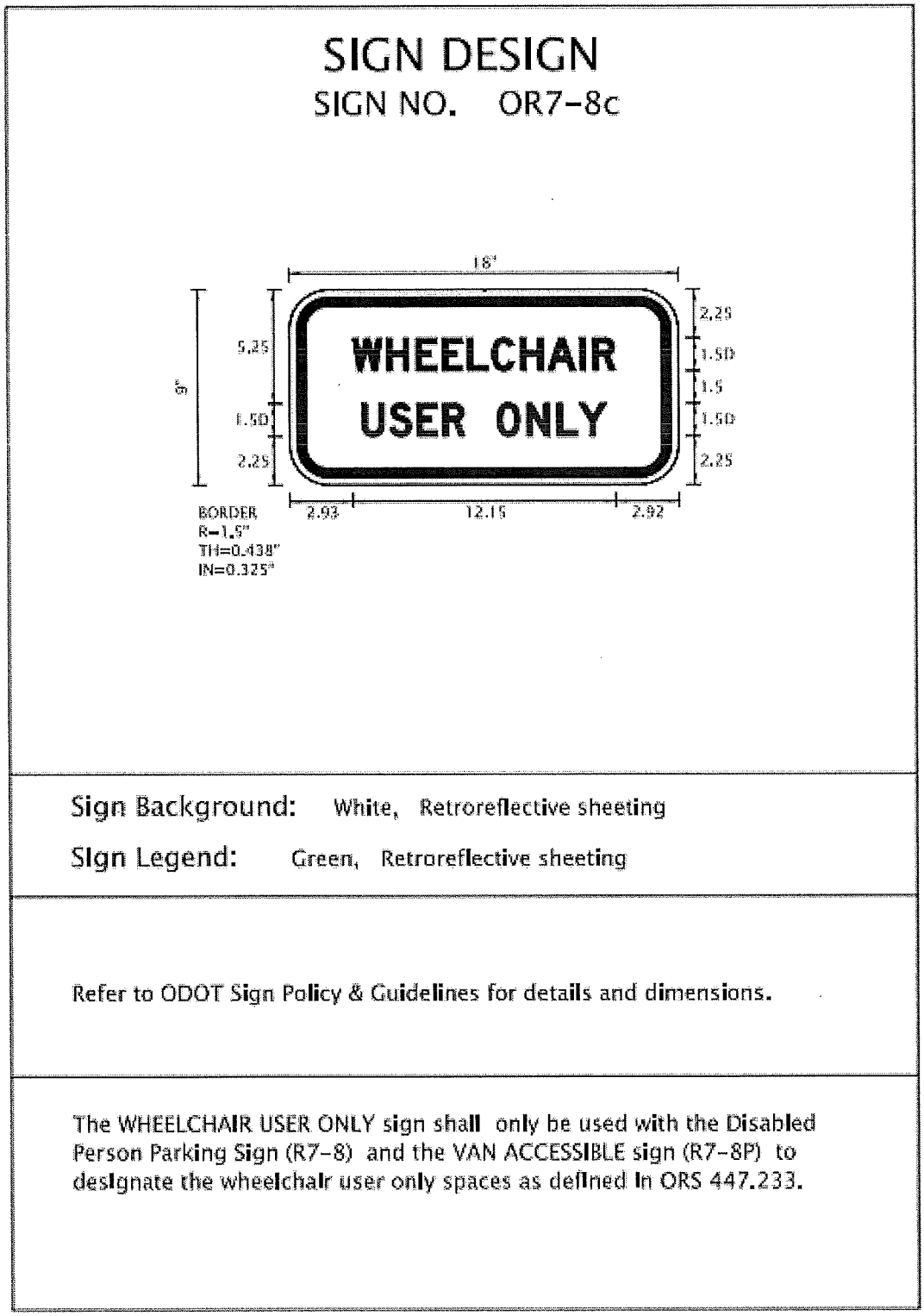
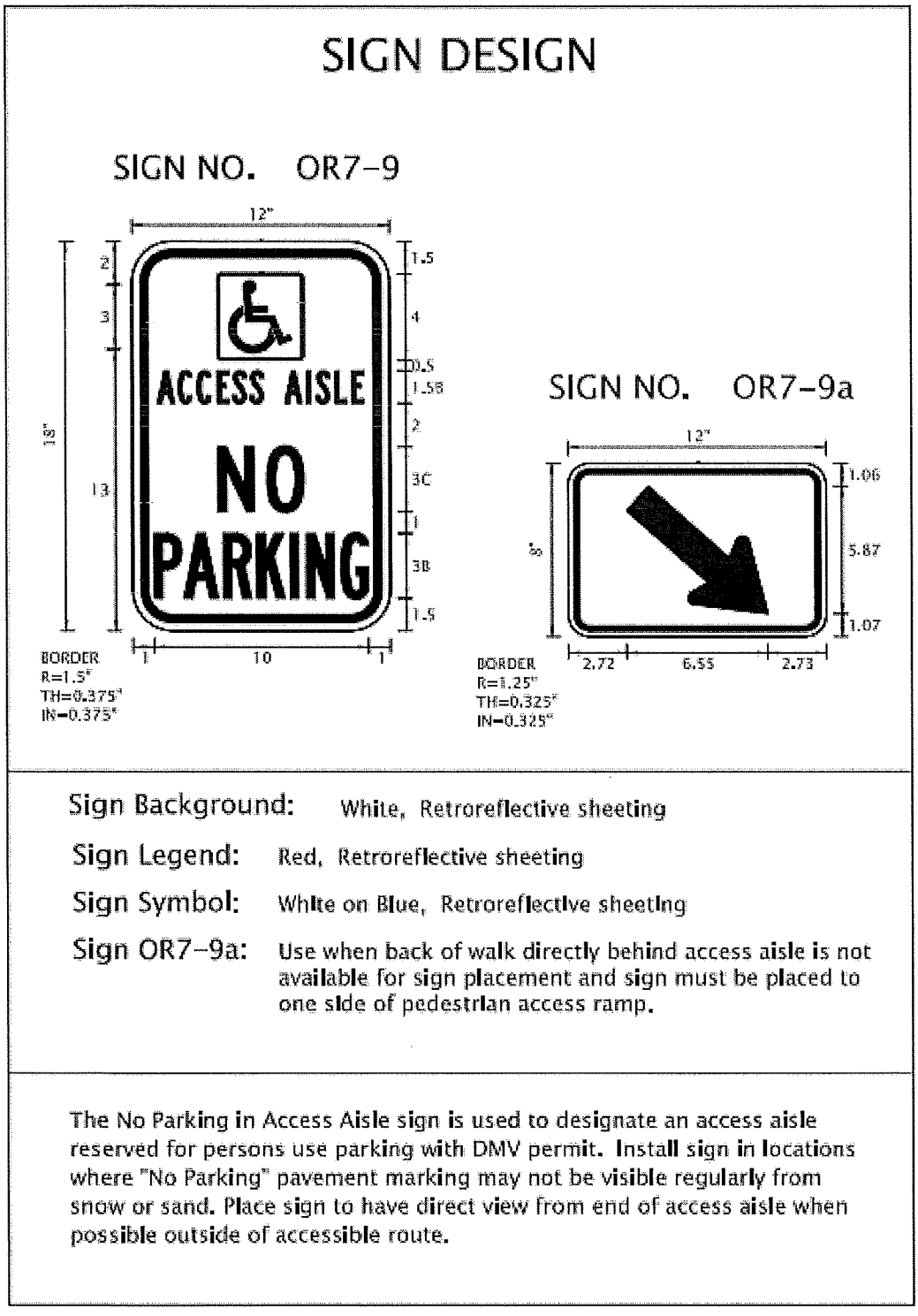
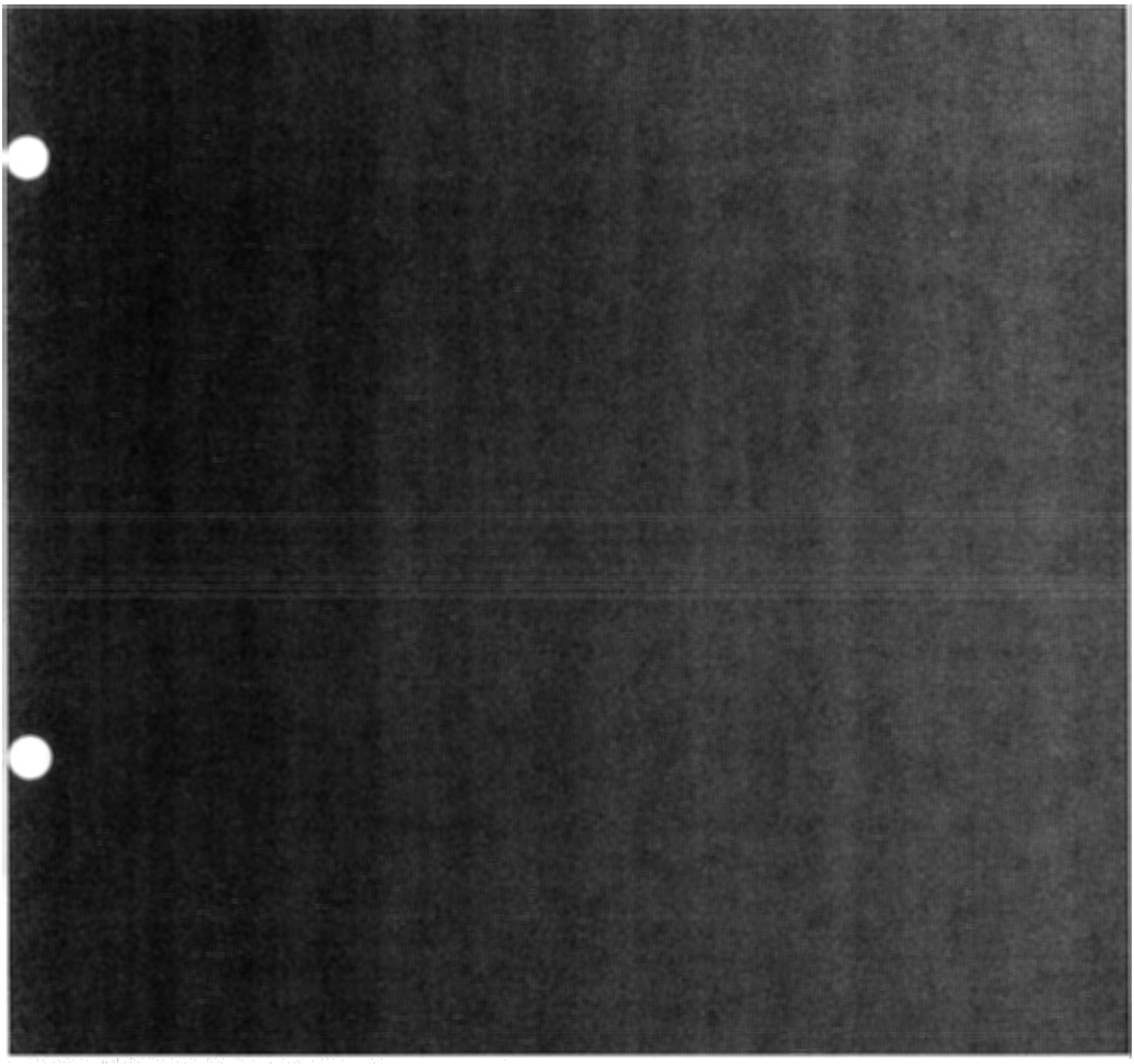
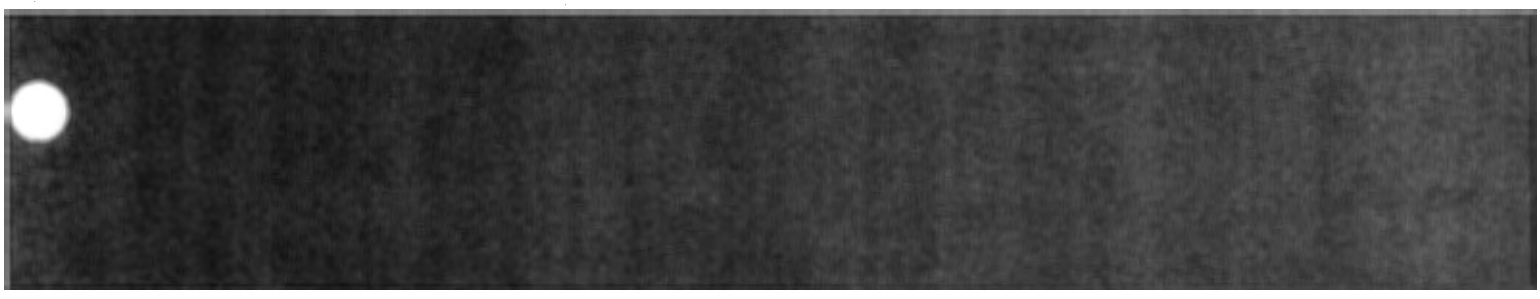


Figure 11: Sign design details for a sign and rider to denote an access aisle where parking is prohibited





ODOT provides a safe and reliable multimodal transportation system that connects people and helps Oregon's communities and economy thrive.

www.oregon.gov/ODOT