



# *moving* FORWARD

SPRING 2015

A quarterly review of news and information about Pennsylvania local roads.

## 25 Years of the Americans with Disabilities Act in Pennsylvania

by Pat Wright, T.E., LTAP Traffic Engineer

The American with Disabilities Act (ADA) celebrates its 25th anniversary this year. Signed into law by President George H.W. Bush on July 26, 1990, the provisions of the law took effect 18 months later on January 26, 1992. In the quarter-century since it became law, the ADA has had a broad impact on our transportation system, and it continues to raise issues for Pennsylvania municipalities today.



Example of a best-fit ramp installed in the 1990s.

The main purpose of the ADA for municipalities was

and still is to provide accessible and safe access to the transportation system for all pedestrians, including those with disabilities. While the intent and purpose of the ADA has not changed, how it is being implemented and how it affects Pennsylvania's municipalities has evolved over the last 25 years.

### ADA Implementation in Pennsylvania

Early after the passage of the ADA, how the law would affect the transportation system was

unknown. No clear standards for implementing the ADA on transportation facilities existed at the time, and unfortunately many facilities built in the 1990s were designed and constructed without solving access issues for everyone. Further, many lawsuits and court decisions around that time affected the implementation of the ADA. Overall, municipalities were uncertain when the ADA applied, and if it did, how to properly design the facilities.

Today, the implementation of the Americans with Disabilities Act for transportation facilities can be divided into three categories:

1. New construction, which must comply with current standards
2. Alterations of existing facilities, which must be upgraded to current standards
3. Existing facilities, which cannot deny access

How the ADA affects Pennsylvania municipalities with regard to pedestrian facilities can be expressed within these categories, too. First, if a municipality does not have any existing pedestrian facilities, then the ADA will only apply to new construction. Secondly, if a municipality does have existing pedestrian facilities, then when the ADA applies is dependent on when the facilities are to be altered—and how they are being altered. What constitutes a project that is classified as an alteration has been the subject of several important decisions and interpretations.

Lastly, any existing pedestrian facility may remain

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## 25 Years of ADA *continued from page 1*

as is, unless an alteration is planned or someone is denied access by that facility. If someone makes a complaint about the accessibility of a facility, the municipality must address the complaint.

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### How Your Municipality Implements the ADA

There are several successful approaches that your municipality can take to further the implementation of the ADA to make Pennsylvania pedestrian facilities safe and accessible. These approaches include:

- Develop a plan for your pedestrian facilities
- Understand when the ADA applies to your projects and facilities
- Respond to complaints and resolve access issues

**Planning for Pedestrian Facilities.** Pedestrian facilities include sidewalks, crosswalks, curb ramps, trails, and related features. While most municipalities have plans for managing and repaving their roads, most do not have plans for pedestrian facilities. The ADA requires organizations with more than 50 employees to have a transition plan. Even if your municipality does not have that many employees, a transition plan is a useful tool for managing your facilities.



Good planning and design result in sidewalks accessible for all.

A transition plan has three basic elements:

- An inventory of existing facilities
- An assessment of the compliance of those existing facilities
- A plan for bringing facilities into compliance

Many examples of transition plans and resources for developing a transition plan are available. (*See LTAP Tech Sheet #153.*) Transition plans are useful in providing safe and accessible pedestrians facilities and are helpful in preventing and defending against ADA lawsuits.

**Understanding ADA Triggers.** A number of resources describe the triggers for ADA, but probably the best resource in Pennsylvania is contained in PennDOT Publication 13M, Design Manual Part II, Chapter 6, *Pedestrian Facilities and the American with Disabilities Act*. Chapter 6 lists different types of roadway projects and whether they are considered maintenance projects or alterations that trigger ADA compliance.

An area of concern for most municipalities when it comes to ADA compliance is the resurfacing of streets. In a case from 1993 (*Kinney vs. Yerusalem*), the U.S. Court of Appeals determined that resurfacing a road is an alteration and that curb ramps must be installed as part of that resurfacing project. This ruling applies to roads that already have sidewalks, and either have no curb ramps or curb ramps that are not compliant.

Several municipalities in Pennsylvania have faced lawsuits related to road resurfacing and the ADA. The typical result is that the community has to retroactively put curb ramps in for roads that have been resurfaced in the past. If your community has sidewalks and will be resurfacing roads, it is best to develop a plan to include the curb ramps.

## Disability activist files Gettysburg cases in federal court

Marilynn Phillips said she is turning to federal lawsuits in hopes of bringing Gettysburg businesses into ADA compliance sooner.

By ERIN JAMES  
The Evening Sun

Several municipalities have faced lawsuits related to the ADA.

Municipal officials are also sometimes confused about the difference between what constitutes maintenance of a road surface and resurfacing of a road, which triggers ADA compliance. Last year, the FHWA provided additional clarification with a short video and fact sheet. Maintenance activities, including crack sealing, pavement patching, and chip seals, do not trigger ADA compliance. Resurfacing projects, such as micro-surfacing, asphalt recycling, and cape seals, do trigger ADA compliance and will require curb ramps.

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This FHWA video explains resurfacing project triggers. Access the video at [www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=107](http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=107).

## Meet the Expert

### Mark Hood, LTAP Traffic/Safety Engineer

#### Tell us about yourself and your history with LTAP.

I have a bachelor's degree in Engineering from Swarthmore College and a master's degree in Civil Engineering from Villanova University. I am also a registered professional engineer (P.E.) in Pennsylvania. My work experience includes working for a town public works department in Massachusetts, PennDOT District 6-0, and Larson Transportation Institute at Penn State University. I have done a lot of transit and paratransit consulting for a private firm and provided other safety and traffic engineering services in the private sector. I currently work in the State College office of Pennoni Associates Inc.

I started with LTAP as a traffic/safety engineer in 1999 and have been providing LTAP services here in Pennsylvania and several other states for about 15 years. My primary interest is in highway safety and reducing crashes on the roadway network. I really enjoy providing training and working one-on-one with municipalities.

#### What is your role with LTAP?

I am an instructor of LTAP courses, and I conduct free tech assists at municipalities on behalf of LTAP. I teach the following safety-related courses: Traffic Signs, Work Zone (Temporary) Traffic Control, Americans with Disabilities Act, Engineering and Traffic Studies, Intersections, Pavement Markings, Risk Management Strategies, Roadside Safety Features, Safe Driver, Traffic Calming, and Traffic Safety Development Plan for Local Roads. I am also a back-up instructor for some of the maintenance courses, including Equipment and Worker Safety, Project Estimating Using Mathematical Principles, and Posting and Bonding.

The tech assists that I conduct are in the traffic and safety realm. Such tech assists might involve teaching a municipality to conduct a traffic study, analyzing crash data, making low-cost recommendations toward reducing crashes, measuring sight distance, using a ball bank indicator, and reviewing sign retroreflectivity.

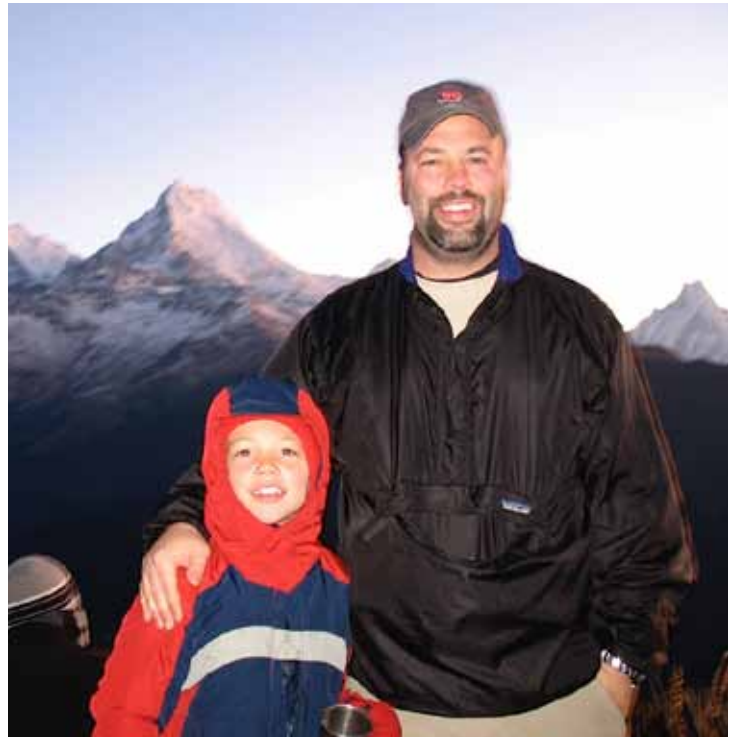
#### What is your favorite part about being an LTAP instructor?

I enjoy interacting with the participants in the class and working with such a diverse group of people interested in improving safety on their roads. It's satisfying to be able to help them come up with

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**When I first started with the Pennsylvania LTAP, I was surprised to learn about the many hats and responsibilities that municipal personnel must effectively wear and balance.**

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*Mark Hood and his son visit the Annapurna Mountain in Nepal.*

solutions to the issues they are facing and develop their knowledge base to tackle problems on their own.

#### What do you like about providing technical assistance to municipalities?

The best part of tech assists is being able to help municipal officials and employees apply what they are learning in the classes to their own municipalities. It's nice to be able to tackle real-world problems with techniques taught in the training and learn how to adjust based on existing conditions at a municipality. The one-on-one aspect is particularly enjoyable.

#### What are you surprised to learn when interacting with municipal personnel or officials?

When I first started with the Pennsylvania LTAP, I was surprised to learn about the many hats and responsibilities that municipal personnel must effectively wear and balance. This applies to whether they are a police officer, an elected official, or a public works employee.

#### What have you learned recently while at a training or tech assist?

I learned that there are many, many ways that planning partners can help municipalities with funding and support. If a municipality is not working with its local planning agency, it should start.

#### What advice do you have for municipalities about taking advantage of LTAP services?

I would advise them to take advantage of the free technical assistance as much as they can. The value they receive is incredible. I'd also recommend taking refresher courses every so often to keep up on important changes and new best practices. 🚩



## STIC Spotlight

### High Friction Surface Treatment

The State Transportation Innovation Council (STIC) has selected High Friction Surface treatments, or HFS, as an innovative technique to promote for improving the safety of motorists at high-priority crash locations throughout the state.

#### What is HFS?

Maintaining the appropriate amount of pavement friction is critical for safe driving. To enhance safety at locations known to have deadly curves or slippery pavement, Pennsylvania has begun using pavement treatments that increase friction. High Friction Surface treatments, or HFS, are pavement surfacing systems with exceptional skid-resistant properties not typically provided by conventional materials. HFS is applied in spot treatments to provide a durable, long-lasting pavement surface that helps to improve pavement friction in both wet and dry conditions. It is especially effective at locations where wet-pavement crashes are more common.

#### How does it work?

In locations where drivers may brake excessively (going around curves, down steep grades, or when approaching an intersection), the road surface can become prematurely polished, reducing the pavement friction and allowing vehicles to skid when drivers brake. Wet road surfaces can also reduce pavement friction and cause skidding or hydroplaning.

HFS treatment uses high-quality aggregates (such as bauxite) that are wear resistant to provide increased friction. This helps to keep vehicles in their lane on slippery pavement around curves and allows drivers to stop. The materials used to bond the aggregates together are designed to set quickly so there is minimal impact to the traveling public.

#### What are the benefits?

- Reduces crashes, injuries, and fatalities on trouble-prone areas of roadways
- Installs quickly with minimal traffic impact (expect one lane of traffic to be shut down for two to three hours during application and curing)
- Provides a durable and long-lasting low-cost surface option over the pavement's life cycle
- Increases road surface skid resistance, driver awareness, and water drainage
- Decreases braking distance, hydroplaning, splash, and spray

#### What does the future hold?

PennDOT tracks crash data and has identified high-priority crash locations where the greatest return on investment can be realized in reducing wet pavement, curve-related crashes. To date, PennDOT has installed HFS treatment at 42 locations in Pennsylvania. Moving forward, PennDOT has identified additional locations throughout the state that would benefit from this innovative technique.



High Friction Surface treatments have exceptional skid-resistant properties. When applied to trouble spots around crash-prone curves, down steep grades, or at approaches to intersections, the treatment increases friction and prevents vehicles from skidding.



The HFS treatment is easily and most effectively applied by a specialized truck, which distributes the epoxy onto the roadway followed by a spreading of aggregate 12 to 24 inches behind. When applied by truck, the epoxy and binder agent are evenly distributed with the aggregate in one pass. But, the application can be completed manually. During a pilot project in PennDOT District 5, the epoxy was poured into buckets, dumped onto the roadway, and then spread with a squeegee, while workers followed closely behind shoveling the aggregate onto the wet surface.

"Manual application (for smaller jobs) is labor intensive and may result in an uneven displacement of epoxy and binder agent," reports Steve Pohowsky, safety program specialist for PennDOT District 5. However, local governments may want to check into the manual application of HSF treatment as a way to keep costs down and still benefit from this safety-proven treatment.



To learn more about High Friction Surface treatment, visit  
[www.fhwa.dot.gov](http://www.fhwa.dot.gov)  
[www.moderndot.pa.gov](http://www.moderndot.pa.gov)

State Transportation Innovation Council (STIC) (717) 772-4664  
[mbonini@pa.gov](mailto:mbonini@pa.gov) [www.moderndot.pa.gov](http://www.moderndot.pa.gov)

# Transportation News Briefs

## PennDOT Clarifies Hard Hats Required in Work Zones

PennDOT has issued a strike-off letter correcting an error regarding hard hats that should be worn while working in roadway field operations, including during temporary traffic control. The revision requires that ANSI Type I hard hats be worn, not Type II as the June 2014 edition of Publication 213, General Notes, Section A, Note A-8 had previously noted.

The revised first sentence of Note A-8 now reads: "All workers engaged in or entering into any field operation involving maintenance, construction, design, surveying, inspection, traffic studies, etc. and/or are exposed to moving vehicles and equipment are required to wear hard hats meeting ANSI Type I requirements and high-visibility vests, T-shirts, or sweatshirts, which meet the ANSI Class 2 or 3 safety garment requirements."

Questions regarding this requirement should be directed to Matthew Briggs, manager of PennDOT's Work Zones and Regulations Unit, at (717) 783-6268.

## ARLE Grant Application Period Opens in June

Municipalities, counties, Metropolitan Planning Organizations (MPOs) and Rural Planning Organizations (RPOs), county planning organizations, and commonwealth agencies are eligible to apply for PennDOT's Automated Red Light Enforcement Grants to fund worthwhile, relatively low-cost transportation enhancement projects that improve the safety and mobility of the traveling public. The application period will be open June 1 through June 30.

The types of eligible projects vary widely from improvements to traffic signals, to roadway improvements at signalized intersections, to school zones, guiderail, and roadside safety. The amount of available funding also varies year by year, based on the revenue generated by automated red-light enforcement violations in Philadelphia and placed into a restricted Motor License Fund. To date, the program has provided between \$3 and 8.8 million each year. Each spring, PennDOT posts the yearly revenues available for that year's grants in the *Pennsylvania Bulletin*.

When applying for a grant, municipalities should keep in mind that priority is given to projects that demonstrate a positive impact on traffic safety and mobility. Applicants should show how the project will improve safety, enhance mobility, reduce congestion, and reduce greenhouse gases. In addition, multimunicipal applications are encouraged and will be given priority. No matching funds are required for eligibility in the ARLE Grant Program.

Information on the ARLE Grants can be found at [www.dot.state.pa.us/signals](http://www.dot.state.pa.us/signals).

## Shadow Vehicles Not Needed with Most Mowing Operations

As municipalities prepare for spring and summer roadway and roadside maintenance activities, they are reminded that mowing operations on roads with less than 10,000 vehicles per day and where the equipment does not encroach on the roadway are not required to use a shadow vehicle.

A shadow vehicle is also not necessary during construction, maintenance operations, or utility work in areas outside the highway right-of-way except when the work is so close to the highway that workers, equipment, or materials encroach on the roadway. As long as workers, equipment, and materials are kept behind a guide rail, more than 2 feet behind a curb, or 15 feet or more from the edge of a roadway, then shadow vehicles are not required. Furthermore, studies or inspections of highway or utility features that may be completed without blocking any part of a travel lane are also exempt from the requirement to use a shadow vehicle.

Additional activities exempt from the shadow vehicle requirements of Publication 213 and the Manual on Uniform Traffic Control Devices (MUTCD) can be found in Title 67 of the Pennsylvania Code, Chapter 212.402.

## Strange Sights Seen Around Pennsylvania...



**If your road maintenance efforts look like this, then you could benefit from some LTAP assistance. LTAP offers free expert advice on maintenance and safety-related issues to all municipalities. What are you waiting for? Call 1-800-FOR-LTAP (378-5827) to set up your free technical assistance visit today!**



## 2015 Municipal Road Maintenance and Safety Symposium

### April 19-21 Hershey Lodge

HELD IN CONJUNCTION WITH PSATS' 93<sup>rd</sup> Annual Educational Conference and Trade Show, this three-day symposium features presentations by road maintenance professionals on new products and technologies and by municipal officials on real-world road issues.

The symposium includes the following workshops and activities each day:

#### **SUNDAY, APRIL 19**

- Roadmasters Roundtable (3-4:30 p.m.)

#### **MONDAY, APRIL 20**

Monday workshops will be held from 10:45 a.m. to noon, 1:15 to 2:30 p.m., 2:45 to 4 p.m., and 4:15 to 5:30 p.m. Specific times will be listed in the conference program book, which registrants will receive when they check in at the conference.

- Building Trails Across Borders: Lessons Learned from the Doylestown Community Hike and Bike System
- Green Light-Go Program: Pennsylvania's Municipal Signal Partnership Program
- Have You Considered STIC? Innovations and the State Transportation Council
- Local Bridge Bundling
- Long-Term Road Maintenance Planning and Stormwater Inventory
- Regulation Update for Marcellus Shale, Timber, and Coal Hauling on Township Posted Roads
- Roadway Recycling: Why Full-Depth Reclamation Can Make Sense for Your Township
- Updates and Innovations Dealing with EPA, DEP, and PennDOT Stormwater Laws, Regulations, and Policies

#### **TUESDAY, APRIL 21**

Tuesday workshops will be held from 1:15 to 2:30 p.m. and 2:45 to 4 p.m. Specific times will be listed in the conference program book, which registrants will receive when they check in at the conference.

- The Growing Use of Type 1 Cold Mix in Pennsylvania
- Incorporating Utility Upgrades into a Municipal Road Program
- A No-Brainer: Doing More with Less Money — Hot-in-Place Recycling
- PennDOT Products: What's New and What's Under Consideration

**COST:** Those registered for the conference may attend the symposium for no additional charge.

There is a \$65 registration fee for those who wish to attend the symposium without registering for the conference. The fee includes access to the specified workshops and the largest municipal trade show in Pennsylvania. Nearly 300 vendors will be on hand at the conference to display new products and equipment and answer questions.

**REGISTRATION:** Go to [www.palocalgovtraining.org](http://www.palocalgovtraining.org) and select the link in the Course Calendar.

# Upcoming 2015 Classes

To Register:  
PHONE: 1-800-FOR-LTAP (367-5827)  
WEBSITE: [www.ltap.state.pa.us](http://www.ltap.state.pa.us)

*This represents some of our scheduled courses. Look for updates on the website.*

## Americans with Disabilities Act (ADA)

April 15, Blair County

## Asphalt Roads

May 5, Centre County

## Bridge Maintenance & Inspection

May 4, Crawford County  
June 9, Wyoming County

## Drainage

April 16, Lancaster County  
May 19, Sullivan County  
June 4, Bradford County

## Engineering & Traffic Studies

May 20, Lackawanna County

## Equipment & Worker Safety

April 13, Crawford County  
June 2, Columbia County  
June 2, Monroe County

## Full Depth Reclamation

May 15, Centre County

## Posting & Bonding

April 22, Somerset County

## Principles of Paving

April 17, Cambria County  
April 29, Northumberland County

## Project Estimating using Mathematical Principles

April 21, Montour County

## Road Surface Management

May 29, Mercer County

## Roadside Safety Features

April 23, Cambria County

## Roadside Vegetation Control

April 15, Union County

## Safe Driver

April 29, Beaver County  
May 12, Montgomery County  
May 21, Cameron County

## Signs & Safety Features for Bridges/Culverts

**\*\*New class\*\***

July 7, Bradford County  
July 23, Luzerne County

## Stormwater Facility Operation & Maintenance

April 24, Dauphin County  
June 10, York County

## Traffic Calming

April 23, Adams County

## Traffic Safety Development Plan

June 4, Union County

## Traffic Signs

April 16, Chester County  
April 17, Lawrence County  
May 19, Lehigh County

## Unpaved & Gravel Roads

May 26, Wyoming County  
May 27, Tioga County

## Work Zone (Temporary) Traffic Control

April 24, Pike County  
May 28, Bradford County

## Congratulations to the following Roads Scholar recipients:

- Joseph Ernst, Conewago Township, Adams County
- Eric Gartenmayer, Middletown Township, Bucks County
- Robert Headley, Middletown Township, Bucks County
- David Kavana, Middletown Township, Bucks County
- Michael Klimowicz, Middletown Township, Bucks County
- David Dodson Jr., Ebensburg Borough, Cambria County
- Shane Kinsey, London Grove Township, Chester County
- Dave Mattson, London Grove Township, Chester County
- Dwight Myers, London Grove Township, Chester County
- Mike Tome, London Grove Township, Chester County
- Steven Shillinger, North Coventry Township, Chester County
- Norman Thomas, City of Titusville, Crawford County
- Karen Atkinson, PSATS, Cumberland County
- Scott Lehman, PennDOT, Dauphin County
- Robert Malpasse, Roaring Brook Township, Lackawanna County
- Eric Schield, Roaring Brook Township, Lackawanna County
- Michael Ewing, Upper Leacock Township, Lancaster County
- Robert Fricke, Upper Leacock Township, Lancaster County
- Patrick Kidd, Upper Leacock Township, Lancaster County
- Barry Gaverick, Montoursville Borough, Lycoming County
- Dennis Desilvey, Shenango Township, Mercer County
- John Brennan, Upper Merion Township, Montgomery County
- Joe Hansell, Upper Merion Township, Montgomery County
- Mike Milke, Upper Merion Township, Montgomery County
- Edward O'Brien, Upper Merion Township, Montgomery County
- William Schutter Jr., Upper Merion Township, Montgomery County
- Christina Arlt, Philadelphia City DRVPC, Philadelphia County
- Stacey Kifolo, East Buffalo Township, Union County
- Timothy Staub Sr., Cornplanter Township, Venango County
- Brian Sweitzer, Shrewsbury Township, York County



## 25 Years of ADA *continued from page 2*

**Responding to Complaints.** The ADA prohibits discrimination on the basis of disability for many areas, including transportation facilities. If any existing pedestrian facility creates a transportation barrier, it would deny equal access and be subject to the ADA.

Any person can make a complaint about existing facilities. If a municipality receives a complaint, the first step is to investigate the nature of the complaint and, if it's found to be valid, resolve it. Pennsylvania has some cases where communities were found guilty of not responding to complaints, and in each of these cases, the punishment typically is applied to the whole community, not just the area of the initial complaint. So instead of upgrading one traffic signal or one curb ramp, the municipality must now upgrade dozens of signals and ramps under the judgment.

Part of a transition plan should identify a process for making a complaint and responding to it. Many organizations, including PennDOT, LTAP, the U.S. Access Board, and others, have resources available to provide training and help to resolve issues.



Old ramps can be barriers to access.

## Sidewalk Maintenance Ordinances

Deferred maintenance of pedestrian facilities is another area of risk for municipalities. Uneven surfaces, vegetation-blocking sidewalks and deterioration of the surface are safety hazards and can create



Poorly maintained sidewalks can create barriers to access and can be safety hazards.

barriers to access by pedestrians with disabilities. Even if the property owner is responsible for sidewalk maintenance, the municipality is required to enforce its ordinances. A good practice established by some municipalities is to inspect sidewalks every spring and notify property owners of deficiencies. 🚧

### TRAFFIC SIGN ASSESSMENT AND INVENTORY

#### Did You Know...

- Municipalities had to have a sign assessment or management method in place by June 2014?
- Other compliance dates for retroreflectivity have been suspended?

If you missed LTAP's Traffic Sign Assessment and Inventory webinar this fall, you can still obtain the information.

To access the recorded webinar, go to the LTAP website home page, [www.ltap.state.pa.gov](http://www.ltap.state.pa.gov), and look under "News."



**Local Technical Assistance Program**  
1-800-FOR-LTAP (367-5827)  
ltap@pa.gov [www.ltap.pa.gov](http://www.ltap.pa.gov)

### Did you find the information in this newsletter useful? Do you know others who will, too?

Please share this newsletter with others, including:

- Road supervisors
- Public Works Department
- Road crew
- Elected officials
- Managers and secretaries
- Engineers

You can also direct them to the electronic version available at [www.ltap.state.pa.us](http://www.ltap.state.pa.us).



**pennsylvania**

DEPARTMENT OF TRANSPORTATION

PennDOT Local Technical Assistance Program

### Want Off the Mailing List?

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