Presentation Outline

• Williams & Jensen
• $FP^2$
• MAP-21 /Transportation Reauthorization
• ADA
• Discussion
• FP² is a non-profit trade association supported by the pavement preservation industry

• Executive Director is Jim Moulthrop

• One of FP²’s primary goals is to raise awareness of value of Pavement Preservation and advocate for it at Federal Level
Benefits of Pavement Preservation

$1 of preventive maintenance here...

...eliminates or delays spending $8 - $10 on rehabilitation here.

PCI (Pavement Condition Index)

40% Drop in Quality

75% of Life

40% Drop in Quality

12% of Life

Years
• Pavement Preservation language is included in the statute

• Pavement Preservation projects are now statutorily eligible to receive federal funds

• Helped to frame the debate for Asset Management and Pavement Preservation
MAP-21-What Now?

• The Agency is in the process of reviewing and interpreting the new law and developing performance standards
• FP² will remain engaged in this process to ensure that preservation outcomes remain as intended
• 2014 Reauthorization. Major issue is $$$
Americans with Disabilities Act

• The issue- What constitutes an “Alteration” to the pavement surface for purposes of the 1990 ADA

• Act mandates compliance with ADA when reconstruction, rehabilitation, resurfacing, and widening are planned

• Maintenance activities are exempt
Americans with Disabilities Act

- 1993 lawsuit, Disabled in Action vs. Penn DOT and the City of Philadelphia
- FHWA’s activities regarding preservation treatments
- Architectural & Transportation Barriers Compliance Board (now US Access Board) request for public comment on Accessibility Guideline for Pedestrians in the Public R/W in mid-2011
Americans with Disabilities Act

• FP² Inc. provided comments in November 2011 specifically exempting preservation treatments

• Attempted to follow course of action-discussions between DOJ and FHWA

• Joint DOJ/DOT Joint Technical Assistance document dated June 28, 2013 “clarifies” the original intent of ADA regarding alterations
Americans with Disabilities Act

• The TA document changed an FHWA operating interpretation that had been in effect since 2005

• The TA impacts all roads, not just federal

• Effective as soon as practical for new contracts
Americans with Disabilities Act

- Problems with this new interpretation
- Structural vs. non-structural improvements
- Treats similar treatments differently
- Takes tools away from public agencies
- Prevents public agencies from choosing the best way to manage their limited budgets—potentially to the detriment of general public safety
ADA Cost Graph

Pavement Preservation Costs
With and Without ADA Upgrades

Cost per lane mile

Year

$1,000,000
$900,000
$800,000
$700,000
$600,000
$500,000
$400,000
$300,000
$200,000
$100,000
$-

0 5 10 15 20 25 30 35 40 45 50

- Treatment Costs  - Cost w/ Curb Ramps  - Cost w/ Curb Ramps & Signals

50 Year Treatment Costs  $214,790
Cost with Curb Ramps  $334,790
Cost with Curb Ramps & Signals  $934,790

*NOTE: All values based on 12 foot lanes and 5 intersections per mile of road.
# Americans with Disabilities Act

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<thead>
<tr>
<th>Includes (alterations):</th>
<th>Excludes (maintenance):</th>
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<tbody>
<tr>
<td>Overlays w/wo milling</td>
<td>Striping</td>
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<td>New layers of Asphalt</td>
<td>Crack sealing</td>
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<td>PCC rehab and</td>
<td>Chips Seals</td>
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<td>reconstruction</td>
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<td>Cape Seals</td>
<td>Diamond grinding</td>
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<td>CIR</td>
<td>Patching</td>
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Americans with Disabilities Act

• This Technical Advisory goes to the heart of pavement preservation by distorting public agencies ability to choose the right treatment on the right road at the right time
ADA- What’s Next?

• AASHTO resolution
• FP² – collect cost/impact data?
• FP² is working with organizations in DC
• Other actions?
ADA - What Can you do?

- Take a hard look at the DOJ-DOT TA document
- If you are a public agency – is this going to affect your ability to maintain your roads?
- Will this mean deferring maintenance activities? How will that impact roads?
- Will it change how you contract and will that impact costs?
- What is the short and long term impact of that on general road user safety and your overall budget?
ADA- What Can you do?

• If the answer is that the Technical Advisory will have a negative impact on your ability to maintain your roads – you need to reach out and let your state and federal policy-makers

• Let your associations know how this is impacting you

• If you are a contractor, you need to reach out to your agency clients and ask them if the TA affects them
 ADA- What Can you do?

• The only chance of getting even minor changes in the the Technical Advisory will be if policy makers in Washington understand the impact

• Need to let them know
Discussion?
Thank you

• Jim Moulthrop can be reached at: (512) 977-1854 or Jmoulthrop@fugro.com

• I can be reached at:

• If you have any questions, want more information, or we can be of help with materials, please let us know

We look forward to working with you