

## MAG Discussion Topic:

DOJ/DOT's requirement to provide curb ramps when streets, roads or highways are altered through **resurfacing**. Terminology has caused some confusion.

- The DOT/DOJ supplement Q&A in many cases states 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. (<http://www.ada.gov/doj-fhwa-ta-supplement-2015.html>)
- The FHWA Q&A (item 18) they mention that the DOJ does consider resurfacing beyond normal maintenance to be an alteration. **The FHWA has determined that maintenance activities include actions that are intended to preserve the system, retard future deterioration, and maintain the functional condition of the roadway without increasing the structural capacity.** ([http://www.fhwa.dot.gov/civilrights/programs/ada\\_sect504qa.cfm#q18](http://www.fhwa.dot.gov/civilrights/programs/ada_sect504qa.cfm#q18))

MAG Revisions:

- 1) Revise specs to include language regarding intention to maintain pavement only vs. specs that when applied may increase structural capacity. Add this statement to the General section.
- 2) In particular, revise Section 331 and 714 renaming from Microsurfacing to Microsealing, and replace 'surfacing' to 'sealing' within.

FHWA Approval:

Provide DRAFT MAG Specifications to FHWA through MAG Street Committee for discussion and final approval.